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Democratic Institutions, including: Democracy at the national, regional, and local levels; Citizenship and political rights

As prepared for delivery by Ambassador Avis T. Bohlen
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Moderator, in the 1990 Copenhagen Document, the OSCE participating States elaborated on essential elements of democracy, including the accountability of government to the elected legislature or the electorate, independence of the judiciary, separation between the state and political parties, and the duty of government and public authorities to comply with the constitution and act in accordance with the system established by law. In essence, the proper functioning of a democracy requires a balance of powers among the three basic branches of government: executive, legislative and judicial.

Kyrgyzstan, of note, has introduced a mixed presidential-parliamentary system, allowing the parliament to play a more important role in policymaking and governing. As a testament to the resilience of this as yet nascent system of government, Kyrgyzstan last month successfully and peacefully transitioned power between successive coalition governments.

In some OSCE participating States, however, the executive has remained practically all-powerful, dominating all other branches of government – and all levels of government, from the national to the local. In these States, the institutionalization of accountability through so-called “checks and balances” has been constrained and the emergence of democratic governance stunted.

For example, the citizens of Kazakhstan, Tajikistan, and Uzbekistan have been led by a single individual in each country for decades, a feat usually achieved by referenda to amend constitutionally-mandated term limits. Turkmenistan continues to limit fundamental freedoms, fails to allow genuine political competition, and there is a continued lack of progress on the part of the government to bring the country’s legal framework into line with OSCE commitments to democratic elections, leaving no space for ODIHR election observation to add value in the country’s 2012 presidential election.

In some participating States, moreover, presidents still appoint a certain number of legislators, thereby undermining the basis of popular sovereignty. In Azerbaijan and Belarus, constitutional limits on the number of presidential terms have been simply eliminated.

Some argue that young States need a strong, centralized government and that allowing too many institutions and individuals to participate in governance would undermine stability. But stability can also be threatened by growing popular discontent with unaccountable, unresponsive, and corrupt governments that seek to perpetuate their rule indefinitely.

Indeed, corruption has an especially corrosive effect on democratic governance, reducing accountability, skewing citizen participation in decision-making processes, and undermining the rule of law. While corruption is a universal challenge, in some of the participating States, the abuse of positions of public responsibility for private gain by the officials on all levels occurs with impunity. This poses a profound challenge to democracy and we welcome continued focus by the participating States on this cross-dimensional issue.

We have seen fraudulent elections in the region that have weakened genuine democratic processes. As we prepare for future elections, particularly presidential elections in Tajikistan in 2013, we urge the government to strengthen democratic institutions and ensure a free, fair, transparent electoral process consistent with international democratic standards.

In Hungary, the government responded positively to concerns voiced by a number of OSCE member states regarding central bank and judicial independence by modifying laws to strengthen checks and balances. Still, concerns remain over legal provisions that empower the Prosecutor General to reassign cases from one court to another. We understand that discussions between the government and international partners are ongoing, and we encourage Hungary to continue to review key reforms in this context.

Finally, Moderator, recent developments in Romania this summer raised concerns about the fragility of its democratic governmental institutions, especially the courts. There were also serious allegations of widespread voter fraud in the July referendum. Although the worst of the crisis has passed following implementation of the final ruling by the Constitutional Court, some members of the governing coalition continue to make public statements threatening the independence of these institutions. Parliamentary elections in December provide an opportunity for Romania's political leadership to demonstrate that the country's democratic institutions remain strong and independent, in keeping with OSCE commitments.