



**HUMAN DIMENSION
S E M I N A R**

ELECTION PROCESSES

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INTRODUCTORY REMARKS BY

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Ten years ago this month the Office for Free Elections opened its premises in Warsaw, with less than ten people, with the aim of following the election processes in countries in transition, first recognizing the importance of elections as one of the main pillars of democratic systems in the OSCE area and of course beyond. Eventually, this office was turned into the ODIHR, its mandate was expanded and it was also able to turn into a more professional institution, which was of course not the case with less than ten people. In the last ten years we have been covering over 100 elections.

I would like to start by looking backwards, although this is not the main topic of this seminar, but looking backwards has the advantage of drawing some conclusions and looking at lessons learned. The first thing that we have to recognize is that a number of countries -- newly independent states and countries in transition, which followed the collapse of the political system represented by the Warsaw Pact -- have gone through very different phases and scopes of evolution over the last ten years. At one extreme we find today countries such as Poland, for instance, which have made tremendous progress and which are following basically all the rules of multi-party, democratic elections. On the other extreme we have unfortunately some limited cases -- but nevertheless of concern -- of places where things have moved very little over the last ten years. And in between we have the large number of countries which represent a grey zone, where we note some progress, but where we are also still concerned about some other features there.

On the positive side, what is clear is that generally speaking the legislative frameworks governing elections have improved throughout the OSCE area in each individual country. There has been quite substantial progress in improving the electoral legislation. Another notable progress is certainly also from the professional side, to see that election administration has become more professional and has in some cases dealt quite impressively with a number of challenges. If you think of the technical challenges, of the infrastructure in some countries, I am impressed to see, for instance, in Albania the tremendous steps forward which have been made by the election administration in a couple of years, taking into account the difficult political but also infrastructural environment. I will not name all the examples that I have in mind, but clearly legislation

and professional management of the elections are two positive things that we have to note over the last decade.

However, there is a "but". The "but" is that a good election law does not necessarily make a good election. We see in many cases that the electoral framework, although being up to international standards, is not being implemented, and that there is still a lack of political will to implement free and fair elections. Conversely in some other places -- we have the recent example in Serbia/FRY -- a deficient legislative framework does not necessarily prevent free and fair elections, does not prevent credible elections, because there is a political will to hold such elections. So although this progress has prepared the ground and paved the way to democratic elections, this can not be the only benchmark to which we measure democratic progress, and I would like to say this as one of the main conclusions that we can draw from ten years of observation. Although an improved administration is essential for the credibility of the election it can not replace the lack of political will.

This is why we organize this conference, which is the second that the ODIHR devotes to elections. The first one in 1997 was concentrating essentially on the establishment of a methodology and was in this respect more technical. It has led to the establishment of a recognized methodology throughout the OSCE area, and also beyond -- I know it has been also used as a model sometimes in the rest of the world. This time, with this seminar, what we wanted to achieve was to go beyond the technicalities and to explore the relationship between fundamental freedoms, respect for human rights and democratic processes; between economic development, good governance and electoral processes; the role of the electoral processes for stability, whether it is a positive contribution or whether it is putting stability at risk, I think we find both cases in history. We would like also to readdress the issue of methodology, very candidly, because methodology is not casting iron forever; it has to remain a flexible tool, it is not a religious doctrine, and maybe here and there the methodology of the ODIHR and the OSCE has to be improved. In my view certainly it has to be complemented in particular in view of the period preceding the elections and the period following the elections.

The main point in our view is to address the issue of the follow-up to an election. Observing elections is certainly already per se very valuable, but it covers only half of the ground if the findings and conclusion of an international observation mission are not followed up at the political level by the states concerned. Too often, I regret to say, the recommendations are put ad acta and end up on a shelf, and from this point of view we failed to fully comply with the idea which was at the outset of the creation of the Office for Free Elections and the philosophy of observation. So political follow-up is certainly something which we would like to discuss and to have addressed in the context of this meeting. I believe that in the future the Permanent Council, the governing board of the OSCE, should look a bit more thoroughly in the issue of election follow-up, and that reports could possibly also be submitted to the highest political level, the Ministerial level, so that we give -- and I would say together with the Parliamentary Assembly or better assemblies, because it goes for the OSCE and for the other parliamentary bodies which are observing elections -- the political backing and we give the relevance that it merits to follow up. But I look very much forward to hear your suggestions on how these and other aspects of our methodology should be developed.

Another challenge that we have set to ourselves for this meeting is the link between financial institutions, economic development and the elections. Of course elections -- if they are free and fair, if they are credible -- lead to democratic institutions; democratic institutions necessarily imply check and balances and allow for good governance; good governance in turn is a necessary condition for economic development. More and more I note that financial institutions are concerned and are looking more in-depth into the factor of good governance when deciding on a strategy for a given country. And when they look into good governance they look necessarily also in the election aspect. I am looking very much forward to the Working Group which will be moderated by President de Macedo from the OECD and to having a new and thorough discussion on this aspect.

The next element that we have to look into -- and which has caused, I must say, some concern -- is the relation between democratic elections and fundamental freedoms. Too often in the last years we have noted that elections were linked to a deterioration of freedom of speech and assembly, and that opposition candidates have been eliminated

from the competition based on dubious charges, that basically the election period is a period where there is some sort of retraction on fundamental freedoms. Here also we have to note that the non-partisan domestic observers are faced in this context with growing attempts to set obstacles on their work. The development of credible, sincere and non-partisan domestic observation groups is one of the positive things that we have seen over the last years, which reflects internal developments of civil society. I think that domestic observers will have an increased role in the future, to ensure the credibility of an election process, and, moreover, to ensure that the election process is owned by the people of the country. Ultimately the international community is not there to be observing elections forever. At one point the civil society in each of our countries will be developed enough to have its own system of checks and balances.

This does not mean that elections will be perfect. We see in very developed democracies that there are flaws here and there and that problems are popping up to the surface. We had recent examples. But the big difference between problems in societies which have a tissue of society and check and balances which is functioning, and problems in developing democracies, is that when problems arise in the latter countries they can be dealt with by and through the national means. I very much hope that domestic observers will play an increased role in all OSCE countries in the future. And we for one make it a priority in our strategy.

By the way, it is also in our view a task of developed democracies to fulfil all recommendations of the OSCE Copenhagen Document. In some cases some developed democracies still do not allow domestic observation in their own country. You will understand easily that it is difficult for an institution which is mandated to oversee the respect of the provision of the Copenhagen Document pertaining to elections to argue with those who have difficulties in implementing this document when some countries which have long traditions of democracy still are not fulfilling all the aspects of the Copenhagen Document. I believe that we will have ample opportunity to address these issues in the relevant working group.

Another point that I am looking forward to is the connection between elections and stability: elections can foster stability or conversely in some cases can hinder or put at

risk stability. What is sure is that in the different post-conflict rehabilitation operations that we have been involved in the OSCE region in the last years, following Dayton or in the case of Kosovo, there is always an electoral component. Because we believe that fostering long-term stability has to go through the creation of a basis for a stable political environment and this can only happen through elections. But elections play also a role, an early warning-role, in terms of security and stability, because very often we see the potential risk, potential illnesses of a government of a country through what happens in the electoral period. Working Group 3 tomorrow should benefit from the rich experience of the institutions and individuals which have accepted to come here and address this issue and I am thinking in particular of Patrick Bradley who had a long experience as former election commissioner for Northern Ireland and has made his own experience in this context.

I would like to go back to finish with the issue of methodology. Methodology as I said is not a religion, and we are going to address as a priority the issue of follow-up. But in this context we will also discuss the guidelines produced by ODIHR to make our advice more consistent. Two such examples are launched at this meeting: Guidelines to Assist National Minority Participation in the Electoral Process, and Guidelines for Reviewing a Legal Framework for Elections. We would like also in the period ahead to develop our methodology for the promotion of greater gender balance in elections and more accurate voter registers and political party financing.

We would like also to discuss the creation of a fund to allow for an increased participation of election experts from developing democracies in our observation missions. I do not believe that the OSCE observation missions have to remain a prerogative for Western developed democracies. We have excellent electoral expertise in a number of OSCE countries which unfortunately at times can not afford to second their experts to international observation missions, although we would profit very much from their understanding of specific environments and the experience they have made in building in their own country democratic systems. I would say that this is also one of our priorities to have in the future a larger number of election observers from countries which are new democracies. Of course these plans require additional resources and we will have to appeal to the generosity of donors to make this possible.

I am therefore looking forward to the discussions in the next days. We will now hear a number of keynote speakers with rich electoral experience and I would like to express my gratitude to them for having accepted to address this meeting. I am looking forward to their contributions as well as to contributions by NGOs in the Working Groups, in particular by domestic observation NGOs which are represented here and which have also made very interesting and rich experiences.