United States Mission to the OSCE

Session 1: Democratic Institutions

Democratic Elections;
Democracy at the national, regional and local levels;
Citizenship and political rights

As prepared for delivery by Ambassador Michael Guest
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Moderator,

Of OSCE's many contributions to regional security and cooperation, its efforts to foster the development of democratic institutions through free and fair election processes are of particular note. Several OSCE institutions and field missions have been created for this purpose.

In the Charter of Paris, participating States declared that "the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government," and that participating States therefore would "respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes." The democratic electoral process does not begin and end with the voting on Elections Day, but also includes ensuring a genuinely competitive campaign environment in which both candidates and voters are permitted to exercise fundamental freedoms of expression, peaceful assembly and association. The results of a genuinely free, transparent and fair electoral process should be accepted by all, and those so elected must govern in a democratic manner once in office. A variety of electoral frameworks accomplish this goal across the OSCE region, and none of us can claim that our elections are uniformly perfectly free and fair.

In my own country, there has long been great attention to electoral issues and campaign finance reform, in particular since disputed ballots took a presidential election to the Supreme Court in the year 2000. The Help America Vote Act, which our Congress enacted in October 2002, created a new federal agency, known as the Election Assistance Commission. It also set requirements for various aspects of the administration of elections and provided federal funding for these purposes. The law did not supplant state and local control over the administration of elections. However, states themselves have made additional changes to election laws and procedures since 2000.

As many of you know, the United States will hold congressional elections November 2. We have invited OSCE participating States to observe these elections, and we thank both the OSCE Parliamentary Assembly and the Office of Democratic Institutions and Human Rights for their response thus far. We appreciate its efforts to understand the delicate balance of issues involved in campaign finance and the shared responsibility for addressing those issues across

three branches of the federal U.S. government. I am certain that these matters will remain a matter of open public debate in the United States.

All participating States, our own included, owe it to our citizens to seek ways to improve our election processes. We note the new United Kingdom government's commitment to an electoral reform program. Similarly, in the Netherlands, we note that the desire has been expressed to look at campaign finance in the future and to ensure that a return to paper ballots is successfully completed.

Elsewhere in the OSCE region, there has been further progress since our implementation review last year. We have seen progress in the Romanian, Croatian and Ukrainian presidential elections in November and December 2009 and January 2010. Progress toward meeting OSCE commitments also was evident in Georgia's municipal elections last May, and we hope Georgian authorities will build on this improved electoral conduct by addressing still significant shortcomings -- such as the misuse of administrative resources, a lack of impartial media coverage and the harassment or intimidation of candidates and parties during the campaign. This will be particularly important in Georgia as it approaches the 2012 parliamentary and 2013 Presidential elections. Efforts in these areas are critical if future parliamentary and presidential elections are to approach OSCE standards.

Most recently, Moldova's September 5 constitutional referendum -- although stymied by low voter turnout -- was conducted in a well-organized manner and corresponded to democratic standards, with minimal violations and irregularities.

In contrast to these good examples, some participating States have not undertaken even modest efforts to comply with basic OSCE commitments outlined in the 1990 Copenhagen Document. For example, the February parliamentary elections in Tajikistan took place in a non-competitive electoral environment. In this case, voting was beset by procedural irregularities and by fraud, including cases of ballot stuffing and bias by local elections officials in favor of the ruling party. Government support for the ruling party created an uneven playing field during the campaign, and the state media failed to give adequate coverage of the election while lawsuits filed by government officials against newspapers had a chilling effect on political reporting in general.

The April local elections in Belarus fell far short of meeting OSCE standards and followed the pattern of flawed elections that have taken place in Belarus over the course of the last decade. We note that on June 4, ODIHR and the Venice Commission issued a legal opinion on Belarusian government amendments to the Electoral Code. While concluding that these amendments represent a step toward removing some flaws in electoral regulations, the amendments do not provide sufficient guarantees of transparency in the election process.

Albania's parliamentary elections of 2009 were covered in previous implementation reviews, but the parliamentary impasse, based on these elections, that has continued into this year gives those elections continued relevance to our proceedings today. The overall assessment of these elections was that tangible progress had been achieved, although the country still fell short not only of its OSCE commitments -- especially during the vote count and tabulation.

These electoral shortcomings have only further weakened the strength of the country's political institutions and public confidence in them.

Looking ahead, in the next two weeks there will be parliamentary, presidential, and cantonal elections in Bosnia-Herzegovina and parliamentary elections in Kyrgyzstan; regional and municipal elections in Russia; local elections in Ukraine on October 30, parliamentary elections in Azerbaijan in November, and presidential elections in Belarus in December. In all cases we urge authorities to conduct democratic electoral processes. Elections can only be truly democratic in the context of respect for human rights and fundamental freedoms. All candidates must be able to exercise their fundamental freedoms of expression and assembly to be able to freely campaign and reach out to the electorate. All citizens of these countries must be provided a genuine opportunity to make their choices, and those choices, duly made, must be respected. Public officials at all levels should avoid interfering in the electoral process. Free, transparent and fair elections forge the foundation of the confidence that citizens of any country must have in their system of government.

In closing, let me also say that the United States is pleased with OSCE's support for international efforts to ensure credible elections in Afghanistan. This speaks well of the expertise, capacity, and broader vision of the OSCE.