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**HEARING ON
“BUSINESS AS USUAL? BELARUS ON THE EVE OF ELECTIONS”**

Mr. Chairman and Distinguished Members of the Commission:

Thank you for this opportunity to comment on the political situation in Belarus during the run-up to its September 28 parliamentary elections. These elections may turn out to be significant, but not for the reasons usually ascribed to elections. They will not produce a representative parliament that will legislate on behalf of constituents' interests, which is the outcome expected of democratic elections. They are also unlikely to cause a dramatic transformation in the Belarusian political system, which has been the outcome of popular reactions to some fraudulent elections in the region in recent years. In short, these elections will not likely be remembered for having brought democracy to Belarus. They are *more* likely to be remembered for their role as both an agent and a barometer of improvements in Belarusian relations with the West. They are also noteworthy because of the opportunity they provide to Belarusian democrats to organize and build support for alternative political viewpoints. If Belarusian relations with the West do, in fact, improve and if the democratic opposition makes the most of its opportunities – limited though they may be – the long-term prospects for Belarusian democracy may brighten slightly.

Belarus has yet to organize an election that meets even minimum international standards. The Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) has observed elections in Belarus in 2000, 2001, 2004 and 2006. The ODIHR reports have repeatedly concluded that the elections have fallen well short of OSCE commitments, noting concerns about deficiencies in the electoral law; government control of election commissions; restrictions on candidates' access to the ballot; government interference with campaigning and intimidation of candidates; constraints on freedom of expression, assembly and association; arbitrary implementation of laws; biased news media; voting procedures that are conducive to abuse; and restrictions on domestic and international observation. These were elections in name only.

There is not a single opposition deputy in the outgoing parliament, which was elected in October 2004. Freedom House ranks electoral processes on a scale of one to seven, with one being the best score. In its 2008 *Nations in Transit* report, Freedom House gives Belarus a seven.

The September 28 elections are not likely to break what is by now a well-established pattern. The regime in Belarus is one of the most repressive in the former Soviet Union. Over his 14 years as President, Alyaksandr Lukashenka has steadily consolidated all political power in his office. The political environment is simply hostile to competitive, participatory elections. I would like to highlight just a few of the many adverse conditions.

Belarusian citizens lack access to independent sources of news with which to make informed political choices. The government has passed repressive media laws and licensing rules. The broadcast media are all government-controlled. Independent journalists have faced specious libel suits, harassment and imprisonment. Newspapers have encountered discriminatory pricing for printing and distribution as well as arbitrary closures. Even the internet – for a while the only reliable source of alternative information – is now under threat, as the government has passed a law that requires all Belarusian online media to register with the government.

Most forms of independent political activity, including NGO and political party organizing, have been repressed. December 2005 amendments to the criminal code made operating an unregistered organization punishable by up to two years in prison. In Belarus, registration is reserved only for the organizations most loyal to the government, so these provisions constitute a serious threat for many civic groups. They were employed liberally in the run up to the March 2006 presidential election. For example, on February 21, 2006, several civic activists partnering with NDI were accused of “illegally running an unregistered organization” and sentenced to prison for periods from six months to two years. The organization in question, called Partnership, was a nonpartisan domestic monitoring organization that had adhered to the highest ethical standards when observing elections. Partnership’s repeated efforts to get registered were denied. The government’s prevention of nonpartisan election observation by its citizens violates rights guaranteed by the Belarusian constitution, the Belarusian election law, and international obligations, including commitments under the OSCE and the International Covenant on Civil and Political Rights.

Opposition political parties have faced particular obstacles. The government has arbitrarily de-registered some parties and closed down regional branches of others. Party activists are regularly fired from jobs, expelled from universities, and sentenced to prison terms on manufactured charges, such as using obscenities in public. In 2006 and 2007, authorities closed down two small parties, the Belarusian Labor Party and a women’s party, Nadzeya (Hope), both for failure to comply with registration requirements — that is, insufficient membership and lack of the required number of regional branches. The Belarusian Party of Communists, a major opposition party, was suspended for six months

last year for similar reasons. The threat of arbitrary liquidation is just one of a large assortment of tools the government has used to prevent parties from gaining a foothold.

NDI's own experience, alongside that of other international democracy assistance organizations, is evidence of the harsh environment. NDI has conducted democracy assistance programs in Belarus since 2000, partnering with citizens who want to build democratic political institutions. Yet the Institute is unable to open an office inside Belarus and staff are unable to get visas to travel to the country. Programs are conducted from an office in Kyiv, Ukraine. Belarus and Tajikistan are the only countries in the former Soviet Union that have prevented an NDI presence.

There are no quick fixes to the repression and resulting underdevelopment of independent media, civil society and political parties in Belarus. These are entrenched features of the political environment. When we look back on the 2008 parliamentary elections and compare them with their predecessors, it is a safe bet that we will see more continuity than discontinuity.

That said, there are signs of a mild thaw in U.S.-Belarusian relations, which may find reflection in some aspects of this month's electoral process. After years of isolationist policies, President Lukashenko appears to be reaching out to Europe and the U.S. – albeit tentatively and with due consideration to repercussions from Russia. The August release from prison of Alyaksandr Kazulin, Sergei Parsyukevich and Andrey Kim is the most concrete example. In response, the U.S. government has partially lifted economic sanctions.

The conduct of the upcoming elections will serve as another measure of the government's intentions. The following six items would be indicators of relative improvements to the process:

1. The territorial election commissions have registered 77 of the 110 unified-list candidates who applied, a ratio of roughly two-thirds, which is a mildly positive sign. Will any of these 77 be *de*-registered for minor infractions -- such as spelling errors in application documents or improper placement of campaign booths – before they make it onto the ballot?
2. Of 1,430 district election commissioners, 36 are from the opposition. Of 69,845 precinct election commissioners, 41 are from the opposition. Opposition representation on election commissions is thus miniscule. Nonetheless, are these individuals being allowed to exercise their rights and responsibilities?
3. Do candidates have the freedom to conduct active campaigns? This would include the freedom to travel throughout their districts and to conduct campaign activities in locations accessible to voters. It would *preclude* arbitrary arrests and detentions of candidates or their teams, dismissals from jobs, and other forms of intimidation or pressure.
4. Do candidates have access to the government news media beyond the mandated five minutes of free television and radio time? This would include invitations for

interviews, coverage of events and opportunities to respond publicly to any coverage.

5. Are domestic and international observers granted accreditation and full access to all stages of the electoral process, including the vote count and tabulation?
6. Are complaints about the process given due hearing by the appropriate electoral or judicial bodies and are violators prosecuted?

If the answer to most of these questions turns out to be “no,” we can conclude that these elections are “business as usual” in Belarus. If the answers turn out to be “yes,” it would not necessarily suggest that the elections are legitimate, but rather that the government of Belarus is making at least a modest effort to respond to U.S. and European concerns with the aim of getting sanctions lifted and improving its positioning with respect to Russia. That effort could, in turn, open slightly more space in the country for democratic political organizing.

These elections also provide a narrow but important opportunity for the democratic forces in the country to take advantage of limited political space by articulating an alternative vision for Belarus and building public support. It has been encouraging to see some progress in the opposition’s efforts over time.

- Since the 2004 parliamentary elections, the United Democratic Forces (UDF) has emerged as a national umbrella organization representing a large majority of opposition groups.
- The UDF has regional “branches” including all major parties and NGOs in six of Belarus’ seven regions.
- This year, the UDF branches agreed on a list of unified candidate for each of the 110 electoral districts to avoid splitting the opposition vote, as has happened in the past.
- The regional branches selected the candidates in a decentralized, participatory and deliberative process.
- A broad national civic movement called *For Freedom* has formed with the mission of promoting democratic elections within Belarus. The UDF and *For Freedom* have cooperated on nominating representatives to election commissions.

These achievements are impressive in the highly restrictive Belarusian setting. Regardless of the conduct and outcome of the September 28 elections, they have already helped to lay a foundation for democratic development in the future. The skills and methods used will be applicable whenever new political space opens.

NDI approaches democracy assistance in Belarus as a long-term process. No single election will deliver the final result. The September 28 elections provide an opportunity for incremental progress, due to the broader international context and the efforts of Belarusian democrats. We should encourage those trends while keeping in check expectations for dramatic, immediate change.

NDI appreciates the efforts of Congress to support the people of Belarus in establishing a full democracy, the rule of law, and respect for political and civil rights.

We value the role of this Commission in defending human rights and respect for all elements of the Helsinki process, and in promoting a cohesive U.S. and European position toward the government of Belarus.

Thank you, Mr. Chairman and Members of the Commission.