

The Secretary General

Representative Alcee L. Hastings
Chairman
The U.S. Helsinki Commission
234 Ford House Office Building
Washington, DC 20515
U.S.A.

Copenhagen, 15 September 2008

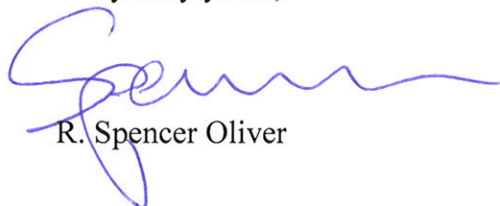
Dear Mr. Chairman,

Thank you very much for your invitation to appear before the Helsinki Commission on September 17, 2008. Having served as the first Staff Director for the Commission from its inception until 1985, I am honoured to appear in my capacity as Secretary General of the OSCE Parliamentary Assembly.

As requested, I enclose a written statement which relates primarily to the election observation relationship between the Parliamentary Assembly and ODIHR as well as the added value of elected politicians in the observation process. In my oral presentation I will focus on the implementation of OSCE human rights commitments, democratic development and ways to improve the monitoring of human rights violations as well as the Parliamentary Assembly's role in preventing and resolving conflicts in the OSCE area.

I will certainly look forward to answering any questions on either my oral presentation or written statement.

Very truly yours,



R. Spencer Oliver

Remarks on Election Observation

By

R. Spencer Oliver
Secretary General of the OSCE Parliamentary Assembly

to the

U.S. Helsinki Commission

CHECK AGAINST DELIVERY

Washington D.C. – 17 September 2008

Election observation is in many ways the OSCE's most important task, and what is today often forgotten is that it all started with the OSCE Parliamentary Assembly at the Russian Duma elections in December 1993.

Since then, parliamentarians have played – and are playing – a leading role in election observation throughout the world, deploying a total of over two thousand seven hundred elected politicians to over 90 national elections.

This year marks the 15th anniversary of our Annual Session in Helsinki, at which the Chairman-in-Office tasked the OSCE parliamentarians to take the lead in OSCE election observation. OSCE parliamentarians responded positively and enthusiastically to the Swedish Foreign Minister's request, recognizing that their unique experience and expertise as elected public officials is an invaluable asset for OSCE election observation activities.

The Parliamentary Assembly is proud of this role. There are no better judges of elections than those who actually seek and win public office through the electoral process.

Elections are the very foundation for democratic governance. The participating States of the OSCE declared in the Copenhagen Document of 1990, "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."

The Copenhagen Document provides the basis and the mandate for election observation within the OSCE, and it is upon the standards called for in this document that OSCE parliamentarians evaluate, assess and judge the elections that they choose to observe. It is through the Copenhagen document that the participating States are required to invite observers to their national election proceedings.

Therefore, it is only on the basis of the provisions of this document that OSCE observers should assess elections in the OSCE.

In practice, the OSCE works with other international parliamentary assemblies, international organizations, and appropriate private institutions in this field. These other entities, however, may also have other criteria, such as those promulgated by the Venice Commission for the Council of Europe, by which they make their own assessment of various electoral proceedings.

Such parallel criteria are usually not in conflict with the Copenhagen Commitments, but in some cases, they may differ in substance or detail and may go further in their requirements than the Copenhagen document. The divergence in these requirements among various participating observer groups sometimes causes difficulty, or even disagreement, in the various reports and press statements issued after each election.

Within the OSCE, there have sometimes been disagreements between the OSCE Parliamentary Assembly and the OSCE Office of Democratic Institutions and Human Rights. In 1997, the OSCE Chairman-in-Office and the President of the OSCE Parliamentary Assembly signed a Co-operation Agreement which provided the guidelines and division of labour between these two OSCE institutions.

This Agreement worked well for a number of years during which the OSCE was established as the leading election observation mechanism in the OSCE area. In recent years, however, some well-known difficulties have arisen, causing the OSCE Ministerial Council in 2006 to call on the ODIHR to continue to work with the Parliamentary Assembly on election observation on the basis of the 1997 Agreement.

Although problems have continued since that time, I am pleased to note that Ambassador Lenarčič, the new Director of the OSCE Office of Democratic Institutions and Human Rights, shortly after taking office met with me and the President of the Parliamentary Assembly in Copenhagen in July this year to address these difficulties. We have agreed that the 1997 Co-operation Agreement will be fully observed and that we will work closely together to ensure our successful cooperation.

This is a welcome step in the right direction. We continue to believe that the Co-operation Agreement is an important document which – if followed in both the letter and the spirit – will enhance the credibility and visibility of the OSCE in the important work of election observation.

We have often worked closely with other inter-parliamentary institutions, but I am pleased to note that our Assembly has deployed more than twice as many observers as all the other inter-parliamentary institutions combined.

Elected Members of Parliament provide unequalled credibility and visibility to election observation projects because of who they are and what they do. As elected officials, full practitioners in the process and dependent upon elections themselves, they are rightly presumed to know more about elections than anybody else.

The fact that they have succeeded in being elected and hold public office gives them a certain standing to speak about elections, which obviously provides unequalled credibility in this field.

In addition, these elected officials provide unparalleled visibility to OSCE election assessments through the attention that the media pays to what they have to say. There is no identifiable OSCE media, no OSCE television station, no OSCE newspaper or wire service. Media attention in the OSCE comes from the national press, radio, and television of each participating State. Obviously, when reporting on an election in a foreign country, a reporter for a national television station or a national newspaper will seek out the opinion of an elected politician from their own country for a comment. That parliamentarian is a recognizable public figure and can speak to their national media representatives in their own language.

And, of course, the editors of national newspapers or the evening television news in any participating country are much more likely to run a story about an election observation mission if they have a quote or assessment from someone who is a recognized figure in their own country.

Along with the credibility and visibility that I have mentioned, I should also note that parliamentarians clearly provide an element of transparency and accountability that should be required of each international election observer. As parliamentarians, they live in the public eye. They are well known, having been scrutinized by their electors, by the press, and by their

political opponents. Virtually everything about them is a matter of public record.

They are also publicly accountable for virtually everything they say and do. When they assess elections in a foreign country, they have to be prepared to defend their position, to explain it, and to be responsible for it. To the extent possible, this should be the case for every observer.

One of the main problems that the Parliamentary Assembly election mission teams have encountered with regard to the ODIHR election observation missions in recent years is that, unlike the elected politicians leading the Parliamentary Assembly election observation teams, the ODIHR usually hires former diplomats who, prior to their retirement had no actual experience with politics or elections, a practice which leads to very different perceptions of the quality of the particular election under observation. This lack of political experience on the part of the heads of ODIHR election observation missions, as well as with their core team staff and consultants has many times caused serious disagreement and acrimonious debates within the election observation mission when trying to agree on a statement or press release the day after the election. As a former President of the Assembly, Mr. Chairman, and as the leader of several observation missions, I am sure you are quite familiar with the problems that have occurred in the field.

In a recent OSCE election-related seminar in Vienna, a former disgruntled leader of the Parliamentary Assembly who has not participated in a Parliamentary Assembly election observation mission in several years, distributed a scurrilous paper attacking the Parliamentary Assembly's election observation methodology and the judgment of its leaders. During the debate in Vienna, both our representative to the Permanent Council, Ambassador Andreas Nothelle and I attacked and refuted this paper as being unfair and inaccurate in its content and that it contained various lies and distortions. Unfortunately the official representative of the British Government later chose to distribute this scurrilous document to all 56 governmental delegations in Vienna.

I should point out that the largest number of retired diplomats and consultants employed by the ODIHR are British. One can understand that protecting the post-retirement income of former colleagues is high on their agenda, but the distribution of this paper by the British delegation in Vienna was inexcusable. The Parliamentary Assembly representative in Vienna was forced to distribute a strong response to all delegations. We have renounced and regret this incident and hope that it will not occur in the future.

A government or a parliament whose elections are being observed should be entitled to know who the observers are and what qualifies them to do such a job. They should also know to whom they are responsible, before, during and after the time they are observers and, most importantly, the sources of their funding should be open and transparent to all.

The Parliamentary Assembly has frequently called for more transparency and accountability not only in election observation but also in the OSCE itself. The Assembly has also spoken out against the use of double standards in election observation.

In the 55 OSCE participating States that hold elections, there are no two systems that are identical. They are sometimes very similar, but other times remarkably different. Election observation missions must therefore be very careful not to criticize provisions of election laws in one participating State, when the same provisions are accepted in the election laws in other participating States.

In addition, the election observation methodology of any organization or institution must have the flexibility to be applied equally to the elections in all OSCE participating States.

If the methodology of an institution limits or restricts their ability or resources available to observe elections in some participating States but not in others, then that methodology should either be changed or abandoned.

I am pleased to say that I believe that the Parliamentary Assembly has consistently lived up to the standards that I have mentioned throughout the 15 years in which we have engaged in this work. We are proud of this record and we look forward to leading election observation missions in the OSCE in the years ahead.

Thank you very much.