

THE ROLE OF OSCE INSTITUTIONS IN ADVANCING HUMAN RIGHTS AND DEMOCRACY

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

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COMMISSIONERS

	Page
Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe	1
Hon. Benjamin L. Cardin, Co-Chairman, Commission on Security and Cooperation in Europe	12
Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe	18
Hon. Hilda L. Solis, Commissioner, Commission on Security and Cooperation in Europe	16

WITNESSES

H.E. Janez Lenarčič, Director, Office for Democratic Institutions and Human Rights	2
R. Spencer Oliver, Secretary General, OSCE Parliamentary Assembly	5

APPENDICES

Prepared statement of Hon. Alcee L. Hastings	24
Prepared statement of Hon. Benjamin L. Cardin	26
Prepared statement of H.E. Janez Lenarčič	27
Prepared statement of R. Spencer Oliver	34

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September 17, 2008

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 3 p.m. in room 2325 Rayburn House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe; and Hon. Hilda L. Solis, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: H.E. Janez Lenarčič, Director, Office for Democratic Institutions and Human Rights; and R. Spencer Oliver, Secretary General, OSCE Parliamentary Assembly.

HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. HASTINGS. I don't think I've ever seen Jeanie in a hearing. And so, I want to take special note of the fact that Jeanie is Spencer's wife and long-standing friend of mine. I'm delighted that you're here with us.

Today we are having a hearing on the role of OSCE institutions in advancing human rights and democracy. So as I call this hearing to order, being mindful of the extraordinary constraints of time and the likelihood of a vote being called at some point. I'm going to allow my remarks to be put into the record and cut straight to my two friends that are here to testify and welcome both of them.

Ambassador Lenarčič—chaired the OSCE's Permanent Council in Vienna during Slovenia's chairmanship of the Vienna-based organization in 2005, coinciding with my service as President of the OSCE Parliamentary Assembly. He was appointed Director of the Office of Democratic Institutions and Human Rights effective as of July 1 of this year.

And my long-standing friend that got me into all this inter-parliamentary activity to begin with, Spencer Oliver, joins us in his capacity as Secretary General of the OSCE Parliamentary Assembly, a position he's held since 1992. And his lengthy service on Capitol Hill included 8 years as this Commission's Chief of Staff.

And, Spencer, I don't know whether you recognize this, but this is the OSCE tie from Washington, DC when the we were here for

the Assembly's Annual Session in 2005. I don't know how I found it this morning. I really was not looking for it. But, you know, welcome again and I'm pleased that you are here with us. The full resumes of both our witnesses can be found at the table outside of this room. An unofficial transcript of today's hearing will be placed on the Commission's Web site within 24 hours, and I encourage you to look at that for added information. The address is www.csce.gov.

So let's begin with Mr. Lenarčič.

And, sir, you have the floor.

H.E. JANEZ LENARČIČ, DIRECTOR, OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS

Amb. LENARČIČ. Thank you very much, Mr. Chairman. It's indeed a great pleasure to be here. It's also a great honor to be invited to testify before this Commission so early in my tenure. I would like to say at the very beginning that I am very much grateful for the support of this Commission, to the work of the OSCE in general, and to my office, Office for Democratic Institutions and Human Rights. In particular, I'm looking forward to our continuous cooperation.

Let me just try to make a couple of remarks in my introduction that would revolve around three main points. First is the place of the OSCE in the global architecture, global security architecture, especially in light of the recent developments. I would also like to share with you some of the examples of practical work that my office is working on and contributing to the Helsinki spirit, which was the spirit underlying the establishment of this very Commission. And finally, I will, with your permission, expand a little bit on democracy promotion in the OSCE area.

So we all recall that in Paris almost two decades ago the participating States declared that the era of confrontation is over and the new era of democracy, peace and unity in Europe has begun. Today I think that if we look back at that statement, we may have an impression that that optimism was a little bit premature.

Recently there appear to be new divisions occurring in the OSCE area. There is a new atmosphere of confrontation in the meeting rooms, in particular where OSCE borders meet. There is some mistrust. There is some suspicion around. And this has, of course, affected the work of the OSCE and also our office, ODIHR.

Nevertheless, I wish to underline my firm conviction that OSCE continues to be relevant. It continues to be relevant in our efforts to achieve the goals that I mentioned were set in Paris [in 1990]. It has a number of unique features, this organization of ours. In particular, it is the organization in which all participating States are equal. It is also the organization which I think has kept the promise of democracy, peace and unity alive.

That promise has contributed to the momentous changes that took place in the beginning of the 1990s in Europe. And that promise lives on, and the peoples of the OSCE throughout the region expect this promise to become a reality.

In short, the world may be changing, but the commitments, the OSCE commitments included, remain. And they remain as relevant today as they were when they were adopted.

How does my office contribute to a realization of this commitment? I will, instead of talking about our mandate, try to offer a set of examples of what we do. Before doing so, let me just say that in my view, OSCE is not about one-way transfer of values. It's about joint work, joint setting of standards and commitments. It's about dialogue that more often than not makes progress only in incremental steps. But ultimately that is the way that so far has allowed OSCE to succeed. And I am confident that we can continue.

Now, these are examples that I wish to share with you. Human rights defense—we see a lot of threats to human right defenders throughout the OSCE region. We will soon publish our second annual report on the situation of human rights defenders, which will contain good practices, and it will assess the situation. Let me recall that there is a very strong commitment by all participating States dating back to Budapest, in 1994, where we agreed that the human rights defenders need protection.

Second example—Armenia. You will recall the tragic events in Yerevan following the elections [earlier this year]. And there was the issue of the amendment that was quite hurriedly made in their law on the freedom of assembly. I can say that our experts in ODIHR were able in the dialogue with Armenian authorities to convince them that they should bring these amendments back into line or more into line with international standards. And it has happened.

Roma and Sinti—you will recall that this year there was a serious situation involving Roma and Sinti in Italy. We dispatched a field visit, but at the same time, our office had started to work on a status report on implementation by all participating States of the Roma and Sinti action plan, which, as you recall, was adopted almost 5 years ago in Maastricht. We believe that this is a very important area of our work. We know we are talking about a group which is a subject of discrimination and racism and where participating States so far have failed to live up to their commitments.

Trafficking in human beings—this year our office has focused on an aspect of trafficking which so far, in our view, was overlooked somewhat. It is about access to justice for those that are victims of trafficking and exploitation. Earlier this year we published a study on compensation for trafficked and exploited persons in OSCE regions. And I can say here with satisfaction that also the United States contributed to this. And the study is already being put into use, including by the American Bar Association.

Hate crimes—we have developed many tools to assist participating States and civil society in their efforts to deal with hate crimes, guidelines for legislators, training, seminars for law enforcement officials and so on. In particular, I would like to mention that we developed a set of teaching materials on combating anti-Semitism that has proved very successful. We had developed this already for 10 states. There are new versions for other states. And we are also using this very positive experience for developing teaching materials for other areas of combating intolerance and discrimination.

Finally, election observation—an area where our office is quite well-known, and an area where we have close cooperation with Parliamentary Assembly. I am very glad to see here Secretary Gen-

eral Spencer Oliver. We have a mandate by the participating States to undertake election observation together as a common endeavor, my office and the OSCE Parliamentary Assembly and to do it in the spirit of partnership. And I can say that I am fully ready to further strengthen this cooperation and build this true spirit of partnership.

This year in the past 12 months let me just say that our office has followed elections in the following countries: Armenia, Croatia, Georgia, Kyrgyzstan, former Yugoslav Republic of Macedonia, Italy, Montenegro, Poland, Serbia, Spain, Switzerland, and Uzbekistan. Currently we have long-term observers already deployed in Belarus for elections later this month and Azerbaijan for Presidential elections next month. And we plan also to deploy long-term observation mission for the U.S. elections in November. And we hope also there in particular for a good cooperation with Parliamentary Assembly.

Finally, allow me to say a couple of words on democracy promotion, which has been one of the main tasks entrusted to our office and is also one of the main areas of activities for the Parliamentary Assembly. We all recall that the Helsinki Process set in motion a process that has recognized human rights, the rule of law and democracy as essential prerequisites for security and lasting peace. It is set in several of our documents that accountable and transparent democratic government is the only system of government for our countries. And moreover, that the protection of human rights is one of the basic purposes of the government.

I believe that these standards today are as relevant as they were at the time of their adoption. However, we still refer to individual areas of the OSCE region as East and West. In my view, now almost 20 years after the fall of the Berlin Wall, these references sound a little bit stale and obsolete. I think that we should drop these kinds of labels as we should also drop categorizing countries into longer established or mature democracies and others like transitional democracies.

Why? Because I think that democracy does not necessarily improve by itself with the passage of time. There are reversals. There are setbacks. And labels like that only make our work more difficult and expose us to double standards.

So democracy, in short, is not an end state. It has no finality. It's a process. It's a work in progress. And we should always try to work together to maintain it and to improve it.

Here I would like to highlight the role of the United States. The United States has been much of the time was one of the leading force of democracy promotion and protection of human rights. However, we know that some recent events—and I would like to mention them here so as not to be accused of double standards, incidents like Guantanamo, Abu Ghraib, rendition flights, detention centers. These all have damaged the standing of the United States in many quarters of the human rights world as the staunch defender, the leading force in democracy promotion and protection of human rights.

The lesson I think is if we are to engage in real peer review and at the same time assume the leading role we believe we can have like the United States, we should take care of the things also at

home. That, I think, is the lesson. It's what is often referred to as leading by example.

And this leadership is necessary. It is essential. I think that if we would like to move forward in the world of human rights, we will need the leadership of countries like the United States. I would stop here and thank you for your attention.

Mr. HASTINGS. Thank you very much. We've been joined by my Co-Chairman and good friend, Senator Cardin.

And, Senator, if you would just stay on hold. If the Senator has any contribution at this time—

Mr. CARDIN. I'll withhold until after Spencer's had a chance.

Mr. HASTINGS. All right.

Mr. Oliver, you have the floor.

**R. SPENCER OLIVER, SECRETARY GENERAL, OSCE
PARLIAMENTARY ASSEMBLY**

Mr. OLIVER. Thank you.

Well, I've got Tina [Schön, Deputy Secretary General, OSCE Parliamentary Assembly] behind me, so I feel very strong and secure.

Mr. Chairman, it is a great honor to be here. As you know, I spent a number of years working with this Commission. I was its first employee and began to hire the staff and help define the mission with the late Rep. Dante Fascell, who was our mutual friend. And I think the Commission, as Ambassador Lenarčič said, made an enormous contribution to the human rights aspects of the CSCE and OSCE process.

In fact, I think had it not been for this Commission, many of the events that have occurred over the last 20 years would not have taken place. The visibility and the credibility that the U.S. Congress brings to this endeavor is unmatched in all the world.

I know that in the early days of this Commission there were a number of people who were deeply concerned about whether or not the Commission was encroaching on the—in the field of diplomacy, which they would argue should be left to government and not to independent commissions centered in legislative bodies. And I can recall, Mr. Chairman, after leaving the Commission I became chief counsel of the Foreign Affairs Committee.

And at the first Implementation Review Meeting in Belgrade in 1977, we were somewhat outcast because the Commission—Congressman Fascell with the support of President Carter and with the courage of [head of delegation] Arthur Goldberg actually mentioned names in the review meeting, names like Sharansky and Sakharov and Charter '77 and others, which was something that had never been done before. And this review of implementation in 1977 of the promises that were made in 1975 was a new occurrence.

And it was the first time that anyone focused on the failure of some countries to fulfill their commitments and the first time that anyone had in a diplomatic international conference actually raised the names of human rights defenders, Helsinki group founders and others. The United States was the only delegation at that meeting to mention names. And we mentioned six names. And you would have thought that we had started World War III, according to some of the traditional diplomatic practitioners.

But it was because of that meeting that the implementation and the accountability regarding implementation became one of the hallmarks of the CSCE process. And I think this Commission deserves a great deal of credit for ensuring that that policy was adopted, not only by the United States in Belgrade, but by all the subsequent meetings, such as those in Madrid, in Vienna and in other followup meetings. Unfortunately today it's not—we do not have the visibility and the review process that we had at that time.

You have asked me to comment on a number of issues, Mr. Chairman. And I have a prepared statement which has been distributed and which I would like to submit for the record, which primarily deals with election observation, which was one of the areas you asked me to comment upon.

Mr. HASTINGS. Without objection.

Mr. OLIVER. And so, I won't belabor you with reading the details. But I would like to comment on some of the other aspects of the OSCE process that you have asked me to address. And one of those things is the implementation of the human rights provisions of the Helsinki Final Act.

I think to a large extent, of course, the whole picture has changed because instead of 35 countries, there are now 56 participating States. And among the 56 are the successors of some of those countries who were the least successful in observing human rights and fundamental freedoms and other promises that were made, for example, relating to the free movement of people and ideas and information across national borders.

One of the things that I think is unfortunate these days is that the OSCE has lost, except for the work of this Commission, any public accountability. Occasionally in a Ministerial Meeting there will be some foreign ministers who will make speeches in front of the press which will criticize another country or even occasionally even raise a name.

But there is not the confrontational—and I say that word advisedly—the confrontational process of calling to account those countries and those governments who have failed to fulfill their commitments and who have trampled on human rights and fundamental freedoms and have treated their own citizens in ways which run counter to the promise of Helsinki. And part of that is because we don't have the review meetings the way that we used to have them.

Now we have the Permanent Council. And we have the Office of Democratic Institutions and Human Rights. But when we have the Human Dimension Implementation Meeting in Warsaw or review meetings in Vienna, it doesn't attract the attention that a high-level ministerial conference would have. It's almost as though they farmed out the human rights accountability to an institution in Warsaw, which although well-intentioned and professional and doing a great job, no one pays any attention to.

If you go to an HDIM, you could throw a rock down a corridor and not hit a journalist. But when Arthur Goldberg or Max Kampelman or others of that level were at review meetings in Belgrade or in Madrid, there would be hundreds of journalists there every day covering what was going on, what was being said, the criticisms that were being directed at those who didn't comply with

the Helsinki Final Act's provisions relating to human rights and fundamental freedoms. And that doesn't really happen anymore.

It would seem to me that the Permanent Council, which was not created by the Charter of Paris, but was almost self-created, which meets behind closed doors without any record of what is being said or what is being considered has in a way buried this process so that there is no transparency and no accountability.

And as you know, Mr. Chairman, as a past President, an activist in the Parliamentary Assembly, probably the most active member of the Parliamentary Assembly in the last decade, but as you know, there is no transparency or accountability in the OSCE outside of the Parliamentary Assembly itself. It's the only place where we have all of our meetings are open to the press and to the media, where there's a full dialogue and counter-dialogue.

In Toronto later this week we will have a very, I think, thorough debate on the events in Georgia with the Georgian Foreign Minister participating and with the Russian Ambassador to the United Nations will be representing the Russian Government. And there will be quite an open and full discussion. That doesn't take place anywhere else in the OSCE anymore. So there's no pressure, you know, on people to be held accountable in the court of public opinion.

The Helsinki Final Act and all of its successor documents are not legal documents. They're not legally binding. So there is no court that you can take your grievances to, except for the court of public opinion, which is what we had in Belgrade and Madrid, where the United States and this Commission reached out to, the court of public opinion, to hold those accountable who didn't keep their promises. And it's these hearings which you're holding, Mr. Chairman, in this Commission which is one of the only courts of public opinion where these matters are actually discussed on a regular basis.

And it is to your credit that you continue to do this in a very public and open way. I think this is probably the only place where all of us, Ambassador Lenarčič and I, all of the other institutional leaders and representatives in the OSCE regularly come because it's really the only public forum where you have an opportunity to say what you have to say and to talk about grievances. And that goes not only for OSCE officials, but also for human rights defenders and dissidents and human rights activists and the successors to the Helsinki monitoring groups, such as the Moscow Group, which gave birth to a whole broad array of human rights organizations. And this is something which needs to be done.

In the early days when there were so many governments in Europe who were critical of what we were doing, saying that this was unprecedented to mention names and criticize governments and it's just not done. There were demarches all over Washington from many embassies about Arthur Goldberg actually mentioning names and doing these things, very, very critical. Even the State Department deputy who is a career diplomat wrote an article in, I think it was, *Foreign Affairs Quarterly* after the Belgrade meeting saying it had been a total failure because we did this.

But about 10 years later, Berndt von Staden, who had been Director-General in Germany's Foreign Ministry—like their national

security adviser, called me one day when I was Chief Counsel at the Foreign Affairs Committee. He was at Georgetown University and had retired and was teaching there.

He said my name is Berndt Von Staden. Do you know who I am? I said yes. He said I'd like to see you. So he came to see me and said I just wanted to tell you that I was wrong and all of us were wrong. Every country needs a Commission like this. And I said, Mr. Ambassador, I'm taking you upstairs to see the chairman.

So we went up to see Congressman Fascell. And he told him that if it had not been for this Commission, if it had not been for the public and determined way in which this Commission pursued implementation of the human rights provisions of the Helsinki Final Act, that the OSCE, or the CSCE as it was known at the time, would have died in Belgrade. So I commend you for the work that you do. And I'm honored to have an opportunity to appear before this Commission.

You also have asked me to comment on democratic development. And, of course, we work on election observation, which is an important element of OSCE. But one of the problems is that it doesn't do any good to observe an election if there's not any competition. And what's happening in many states is that democracy is dying because they're becoming one-party states because there's no opposition.

You see the elections in Belarus coming up here in another week or so. And there's the Belarusian Government, whose last election was terrible, inviting everybody to come, with no restrictions. Everybody's going to get to watch the vote. Everybody's going to go wherever they want to go.

But the problem is there's no opposition that has any chance of getting more than a few representative seats in their parliament. And the same thing takes place in many other countries.

Kazakhstan has a one-party parliament. Kyrgyzstan has a one-party parliament. They have a pure list system that they employ which allows only the leadership to decide who's going to be in the parliament. And that's where the weakness is. That's where something needs to be done.

Somehow we need to find a way to build pluralism into these newly developing democracies and to find a way to establish political parties that can be competitive, that can be critical of governments and that can bring new ideas and fresh faces into their government, the way most Western democracies do. So I hope that there will be an opportunity at some point, Mr. Chairman, to discuss further ways and means in which that might be able to be done.

So I will cease and desist at that point, Mr. Chairman, and be happy to take any of your questions. But thank you very much for the opportunity.

Mr. HASTINGS. Thank you very much, Mr. Oliver.

If I could ask a couple of the Commission staffers to come up here and then maybe the young ladies can find some seats. Thank you.

I very much appreciate both of you for your comments. And I think both of you alluded to how we in the Helsinki Commission

may be able to help your respective offices. But I'd like for you to elaborate a bit more.

And I thought, Mr. Oliver, you pointed to it with great passion the fact that we are continuing the efforts that were set forth initially following the signing of the Helsinki Final Act. But I'd be curious, both of you travel the 56 countries in the OSCE. And both of you meet and make presentations in all of those countries or as many as your time will permit. And I know, Ambassador Lenarčič that you're just getting started at ODIHR, but you're not just getting started in this business of dealing with the OSCE.

And as it pertains to just what we do here at the Commission, from your point of view, what do you think that we might be able to do that would better help what you do at ODIHR?

And the same question to you, Mr. Oliver, with reference to what we do here at the Helsinki Commission. And the attendant question to that is: do you receive the same kind of consideration in the respective countries that you visit?

And I'll be curious, especially, Ambassador Lenarčič, since you just were in Russia recently, just what your observations were and are regarding any potential new approaches or any indications of approaches by the Russians that are different with specifics having to do with your resources since they've addressed ODIHR so frequently on the subject of resources. And then I'll turn to Senator Cardin and Ms. Solis.

We've been joined by my colleague, chair of the Assembly's General Committee on Democracy, Human Rights and Humanitarian Questions and California Congresswoman. And we aren't going to permit her to make an opening statement since she was late coming. She'll get a chance a little bit later on, I'm sure.

But if you all would respond to those points.

Mr. OLIVER. Go ahead, Janez.

Amb. LENARČIČ. Thank you very much, Mr. Chairman, for this question. And for me it's a pleasure to see Senator Cardin and Representative Solis. When I started I said that I was honored to be here, and I would like to repeat now that I'm honored to be here and honored in your presence.

How is it in other countries? Well, it's not like this. There is no other Helsinki Commission. The Helsinki Commission is a very unique thing. It does not exist elsewhere. [Inaudible], which is both houses of parliament and also the executive. Its methods of work, public meetings like this you don't find that elsewhere.

I would assume that in my future travels I would be able to address a parliamentary committee. But this is not exactly the same thing. So I think this part of your question, how is it elsewhere, well, I may expect to be given the opportunity to address a parliamentary committee, given participating States, but there is nothing like the U.S. Helsinki Commission elsewhere.

And I think that one particular feature of this Commission is nurturing the Helsinki spirit, which I think is very important because, as I said in my presentation, it remains relevant in today's world. What the Helsinki Commission can do—there are practical things, and there are some other things.

On the practical aspect, first for what is what you are doing with it. You are helping us enormously by holding public hearings like

this one, by drawing the attention of the public to issues relevant for OSCE and our office, human dimension in general and human rights, democracy and rule of law in elections in particular.

Also I am confident that your voice, in practical terms, like financing carries great weight. It is with regret that I noted when I studied papers upon my assumption of office last July that the U.S. extra budgetary contributions to our office have steadily declined recently and almost does not exist anymore.

I would like to underline that extra budgetary contributions remain an important source for our activities. And I would hope that you would add your voice to those who favor or advocate contributions to our office.

Even more importantly is the budget, the unified budget of the OSCE and the part that is appropriated for my office. There also there is a tendency to reduce the financing of OSCE in general, including our office. Here I have to say that with less money we can only do less from election observation to every other field of activity. So again, I would appeal to you to lend your voice in favor of increasing the funding through unified budgets of the OSCE for our office.

And a final point on what the Helsinki Commission can do in general within the OSCE, I believe in parliamentary diplomacy. I believe that it is a very useful and precious complement to inter-governmental diplomacy, classic diplomacy. Diplomats and officials of international organizations, including myself, are officials. We are not free to say everything we think or believe at every occasion.

We are in the service, in my case, of the 56 governments. Parliamentarians answer to their constituencies. You enjoy greater freedom of what you can say. And you can always say what you believe and what your constituencies ask you to say. And in that sense, I think this is an extremely useful and important complement to classic intergovernmental diplomacy. Your freedom and ability to say things that we, civil servants, international civil servants, officials are not always able to. Thank you.

Mr. OLIVER. Well, Mr. Chairman, I would certainly say first of all that what you can do is to keep doing what you're doing. The Helsinki Commission has certainly been, I think, the strongest parliamentary institution in this field, practically the only parliamentary institution in this field which exists. And you can participate more actively and bring your parliamentarians to participate in the OSCE Parliamentary Assembly, which you do.

I mean, all of you are officers of the Parliamentary Assembly. All of you come to the meetings. All of you are here today. And you bring many others along.

I will never forget in the 1999 Annual Session in St. Petersburg as we wound down in the final hour of after 4½ days looking out from the podium and seeing the room almost half-empty. But all 17 members of the U.S. delegation, including Congressmen and Senators, were in their seats actively to the very last gavel.

And I think it's very important for parliamentarians from other countries, particularly those farther to the east, to have an opportunity to interact with American Members of Congress. Some of them never get to meet American Members of Congress. And to have an opportunity to engage with them in dialogue and discus-

sion, not only in the formal debates and committees, but also in the corridors and in the coffee shops is an extremely valuable commodity and one that I hope you will expand and continue to do.

One of the other things that you can do is to continue to push the government to do what the Commission has done for so many years. And that is to help improve the OSCE, to reform the OSCE, to make it more open and more transparent, to make it more democratic.

As you know, Mr. Chairman, the Parliamentary Assembly passes resolutions by majority vote. As Ambassador Lenarčič has pointed out, there is an opportunity for them to speak out and speak up. And they have done on many occasions.

One of your predecessors and your friend, the Majority Leader, Steny Hoyer, chaired a colloquium, or participated in a colloquium. He chaired the Assembly's Committee on Transparency and Accountability. And you chaired the Washington colloquium, which I think had some very sound recommendations to improve the OSCE, particularly its transparency and accountability.

And not a single one of those recommendations has been adopted and the U.S. delegation to the OSCE in Vienna has never even mentioned it, never even pushed it in any way, shape or fashion. So it would be, I think, very useful—and I say this with some trepidation—but I think to push the government a little harder to take into account what this Commission is recommending and saying and doing about OSCE. Because there are more—this Commission has a history of involvement in the OSCE that goes much farther back than most of the diplomats and bureaucrats who are dealing with the OSCE in the capitals or in the various foreign ministries.

I also think that the hearings and reports that you do are extremely valuable. You have a very competent, professional staff that probably knows more about the OSCE, they're the repository of more knowledge about the Helsinki Process than you'll find anywhere else in the world. And to continue to grind out those reports and continue to hold these hearings and to do this research and to spread your knowledge and your participation throughout the OSCE, I think, would be extremely valuable, knowing, of course, the constraints on the time that you have, it's amazing to me how many of you have participated so often and so vigorously in the OSCE Parliamentary Assembly sessions.

So doing more of that would be important. And as Ambassador Lenarčič said, I think trying to ensure that the OSCE contributions and budgetary considerations are given high priority in the U.S. Government would be very helpful, not only to the ODIHR, but also to us and to other OSCE activities, particularly the field missions.

Mr. HASTINGS. Right. I'm reminded that our bipartisan leadership at the Commission has written to Secretary Rice on these funding issues. And many of us feel that the rhetoric must be matched by resources. And I for one, along with my colleagues here, I believe, will continue to push in that regard.

Senator Cardin?

**HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Well, thank you, Mr. Chairman.

Mr. Ambassador, it's a pleasure to have you before our Commission. We thank you very much for your continued service. And we look forward to your leadership at ODIHR and working with you. It is our highest priority. So we welcome you.

And, Spencer, welcome back to Washington. It's a pleasure to have both of you before us today.

I agree with your assessment of the importance of the Helsinki Commission here in the United States. I'm very proud of the role that it's played over its many years, initiating a lot of the agenda items that became priorities for OSCE. I think that the Commission has played a very, very important role.

But I want to agree with you, Mr. Ambassador, that the U.S. influence has been damaged because of the issues that you raised on the handling of detainees, the manner in which we dealt with bringing people to our country or to Guantanamo Bay, the failure to grant rights to those who were detained, the use, techniques, interrogation techniques that do not stand up to international scrutiny and I might say don't stand up to U.S. law. And I appreciate you mentioning that because we very much believe that it's appropriate to raise those issues.

And we obviously are going to continue in this Commission to raise those issues as we have during these past 2 years. And I think you'll see opportunities for new leadership in the United States. And I think we will get back on track in that regard.

I also want to just give you some of my own personal observations. I've been now involved with the Helsinki Process for about 22 years. And I remember when I first started how much respect and how much attention the OSCE received in European countries. And it wasn't well-known in the United States. And I would still say today most Americans probably don't know about the OSCE. But it didn't get a lot of attention in our country from the point of view of our political establishment.

I think in the last 10 years that's changed. The United States has put more confidence in OSCE I think mainly because it's made significant progress in achieving its goals. Its main goal is to hold the member states to their commitments, their human rights commitments and the economic and environmental front and on security issues. Of course OSCE is best known for its human rights, which is your portfolio here at the Helsinki Commission.

We saw that the OSCE was very effective in dealing with the problems in the Soviet Union. And it's interesting, the Soviet Union was very much instrumental in creating OSCE. Now we see that Russia is trying to dismantle the OSCE, at least some of us think they are. They certainly are making it more difficult for the OSCE to be effective.

My own observations is that it's become more relevant in the United States and a little bit less relevant in Europe in that the other international organizations have expanded their memberships and there are other opportunities for countries that did not have that opportunity 30 years ago in which OSCE provided an avenue. So I want to make an observation. I agree with you that we

need to support OSCE. We need to stand up to our budgetary commitments.

But I agree with the assessment that Mr. Oliver made about reform. Now, he's talking about transparency and some of the other issues and what's happening in Vienna, which a lot of us find to be a bureaucratic nightmare without accountability.

But I think you might find a reluctance by the next administration and the next Congress to do everything you want us to do if we believe that the OSCE is not reforming where it should reform. And I have concerns. I really believe that the OSCE is a very valuable institution. I've spent a lot of my own energy on it.

But I am troubled that we are really looking at such modest reforms. Transparency to me is a modest reform considering the principles of the OSCE.

We need to have a mechanism that can work. And I am concerned as to whether the Permanent Council and the Parliamentary Assembly and the use of special conferences to try to focus on different issues rather than dealing with it at Ministerial Meetings. The whole bureaucracy of OSCE I'm wondering whether we need to even be bolder in looking at making the OSCE contemporary to the challenges we face in Europe and in North America. I welcome your thoughts on that.

Amb. LENARČIČ. Thank you. With pleasure, Senator. But first on your saying that the United States will get back on track, yes, I'm confident. The United States has always gotten back on track. And that's one of the greatest features of American democracy. And also I'm pleased that you welcome the comment that I made. That is also one of the features of the same democracy, as is the fact, by the way, that the United States invited international observers to observe Presidential and congressional elections in November without any restrictions as to the size and the type of their presence here. And I think that with this United States confirmed its commitment to the OSCE obligations.

You mentioned, Senator, that 22 years ago you started your involvement in the CSCE. Well, 22 years ago my country was not a democratic one. And I remember that time very well. I also know that it was CSCE that contributed decisively to the change that happened in Europe.

Mr. CARDIN. And though I did not visit your country at that time, I visited many countries of the now OSCE that did not have democratic institutions. And the meetings that we initiated received widespread attention and I think contributed greatly to the change that took place. So I'm proud of what we've been able to achieve. And I think there's a lot more we can achieve.

So I'm very much in support of the continued mission. I think it's needed very much today. But I tell you I am frustrated by the bureaucratic structure that has been created. And when you ask parliamentarians—and Spencer made a very good point. I'm not trying to—we're all busy. Everybody's busy.

But there are a lot of problems we have that a parliamentarian needs to deal with. And parliamentarians are not going to spend a lot of time in an organization that they don't believe is working very well. And we've had active participation in OSCE. And I believe it's going to continue.

But the bureaucratic problems within the organization cannot be allowed to continue the way they have over the past 5 to 10 years. If those trends continue, I think you're going to find parliamentarians and governments backing off their active participation within OSCE. I think it's that serious.

Amb. LENARČIČ. I was coming to that, Senator.

Mr. CARDIN. Right.

Amb. LENARČIČ. First of all on bureaucracy, I have to underline the fact that there is no organization like OSCE when you measure the size of bureaucracy. By far, the OSCE bureaucracy is the smallest you would find anywhere.

Second point, OSCE is not a career organization. So bureaucracy doesn't even have much chance to develop. Seven years is absolute maximum in all OSCE contracted positions for the same post with 10 years being the absolute maximum for a term of anybody's contract in the OSCE. That's what we have in our institution. That's what they have in Vienna and elsewhere.

So OSCE has tried to manage. But I think you were aiming at the effectiveness. The effectiveness of the OSCE, I think, does not have to do so much with bureaucracy, which is the smallest you can find in the world, I guess, an organization of this size and with constant change of people. There is no bloated bureaucracy that is there around for decades or longer. But it has more to do with the methods of work of the OSCE.

Primarily, I think it has to do with the consensus. Consensus has been a subject of discussion in the OSCE since the beginning. Here is one of the great advantages of the Parliamentary Assembly, as was underlined before by Secretary General Oliver. It can take decisions by majority vote.

The governmental part of the OSCE cannot. It can only take decision by consensus. Everyone has to agree, every single one. And that sometimes results in protracted decisionmaking.

Just look at the current situation when the Finnish chairmanship is trying so hard to reach consensus on the deployment of the additional monitors in the zone of recent conflict in Georgia. And the consensus continues to elude them.

So I think that is the point. But on the other hand, when we have consensus, it carries the greatest weight possible. And we have a lot of consensus. We have a lot of commitments. We have a lot of documents that create the solid ground for our work, for the work of our office. And we could do more of that work with more funding. That was my point. But your remarks are absolutely, of course, valid, Senator.

Mr. CARDIN. Thank you.

I had one more question, Mr. Chairman.

If you could answer briefly, I would appreciate it. You know, the U.S. Helsinki Commission was very actively involved in the conferences on anti-Semitism, racism, and xenophobia. And we very much supported the creation of the special representatives. And if you could give us an update as to how you are working with the special representatives in furthering the objectives of those efforts, I would appreciate it.

Amb. LENARČIČ. Thank you for the question. Very quickly, the personal representatives in the area of tolerance and non-discrimi-

nation are chairmanships' personal representatives. So it's the chairmanship that coordinates the work and consults with them on what they do.

What we do is we support their activities. And I can say that we have established very close relationships with all three of them, that we provide support for them, that they work with our people. We intend to continue to provide this support. It is primarily substantive support for their work. And I think that our office and their activities complement each other very well.

I mentioned in my introduction the teaching materials that we have developed for anti-Semitism or combating anti-Semitism. I can only say that the activities of the personal representative on combating anti-Semitism, the German parliamentarian [inaudible] complements and fortifies, strengthens what we do because he has access, he has range. He travels, and he can contribute a lot to promotion of what we do.

So it's not only one way that we support the work. Also their activities magnify the impact of what we do. So it's a useful, good relationship, and I'm sure that it will continue. We are so far satisfied with it.

Mr. HASTINGS. Then if I could just follow up on that, and not so much for an immediate response. I'll talk with both of you more. But I would be interested in the current efforts to address racism and discrimination against other communities such as Black Europeans and Muslims.

As you know, Senator Cardin and I were actively involved in initiating, with the assistance of both your good offices, anti-Semitism conferences that took place and also the 2007 Cordoba Conference on Intolerance and Discrimination against Muslims. We did something particularly unique here. There had never been any hearing at all having to do with the diaspora of American Blacks who live in Europe. And we, as a result of that, have determined that it would be helpful for the Helsinki Commission to hold a meeting in Europe so that we can reach the sources greater.

There's an immense amount of discrimination that takes place in Europe against a significant number of populations. And I'm just going to leave the Roma and the Sinti on the side and not get to that, but that's a part of ODIHR's portfolio that I'd be interested in. And you and I can follow up.

Mr. Oliver, you were going to comment, but I know a vote is coming real soon. So I'd ask you to be brief so that I could get to Ms. Solis and the Ranking Member, Mr. Smith.

Mr. OLIVER. Thank you, Mr. Chairman.

[Inaudible] Although there is no permanent bureaucracy, there's the ever-growing bureaucracy. At first the positions were 2 years with, I think, with a possible extension to 3 and then 3 with an extension to 4 and then 5 with an extension to 7 and now 7 with an extension to 10. And then they become consultants.

So the bureaucracy is semi-permanent. And it is a situation in which one of your predecessors, Mr. Chairman, a President of the Assembly told the Permanent Council directly. He said now, the way that you operate here behind closed doors in complete secrecy with no transparency, no accountability, no public auditing is not only undemocratic, it's anti-democratic.

So to have the OSCE pushing democracy and openness and transparency and democratic development throughout the OSCE and then function in the way they do is just—it is hypocritical and in the extreme. I think we have tried on a number of occasions not to go from consensus to majority. But consensus less one even, just on matters of personnel, for instance, or budget. But you find in Vienna that a lot of times even Ministerial Councils get held up over which country is going to get which position and which field mission.

And so, if they're trading jobs behind closed doors with no accountability and so on, the bureaucracy really is ineffective. And as Senator Cardin has pointed out, in many countries now you find that the OSCE is not dealt with at the highest levels of their government or even their foreign ministries, that it is dealt with at a lower and lower level, not only because—not just because they're not interested, but because all they know is what their Ambassadors tell them from Vienna.

So they write back cables that say, you know, everything was great this week. We worked really hard, and we had a lot of good discussions, and so on, and I did a great job. But there's no transcript. There's no openness. There's no accountability. The only thing they know is what their own Ambassador tells them.

So no one is really following what's going on. And that's why you need enormous reform in the OSCE in order to save it.

Mr. HASTINGS. Well, I appreciate my predecessor bringing that to their attention. I can't talk about the number of them, at least count the number of them, that I said pretty much the same thing personally. But the one thing that I did as President of Parliamentary Assembly that didn't please them too much was I told them when I was before them that their work, notwithstanding the fact that it's not transparent and it is anti-democratic, is also very boring.

Ms. Solis?

**HON. HILDA L. SOLIS, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Ms. SOLIS. Thank you, Mr. Chairman. I apologize for coming in late. And I'm one of the newer members, I guess, to the OSCE and have accompanied my colleagues here to participate in different conferences and forums. And now I have the privilege of serving as Chair of the Assembly's Third Committee. And I'm very, very taken with respect to human rights, human trafficking and the way that we as a world community deal with other nations and the treatment of families, women, and children.

And I also happen to be the Assembly's Special Representative on Migration. And it's a very interesting topic because it's very different. The experience we see in Europe with different ethnic groups, Roma would be one, and just different types of discrepancies that exist there, is a very different experience from what we see here in the United States.

In fact, we held one of our Commission hearings, a field hearing out in Los Angeles, in my district earlier this year. And we made it a point to talk about migration issues with respect to one of the largest populations in our country, which is the Hispanic commu-

nity. And, of course, you probably read much about what that ongoing immigration discussion is about.

It's very complicated, but not that much different from what we think people can learn from our experience in the European Union and obviously members of OSCE. We had an opportunity to hear testimony from witnesses that are speaking up for people who are being discriminated because they are migrants. We had an opportunity to talk to people who organize the community, the migrant community to help better educate them and assimilate them into the community.

We also talked to a group of Asian representatives, Pacific Islander, Asian/Chinese community, which is one of the second largest communities in my own district, one that is increasingly growing. And there are a lot of complicated issues there. And we tried to glean information and how we could share that in a report and take back to the OSCE. It's a very sensitive issue, as we last saw in the last conference we were at.

It was hard to get consensus, even on a report that I gave. There was much controversy with respect to how Italy and different countries deal with immigration or migration issues. Very sensitive, one that I hope that as the OSCE we can try to come up with good action plans that will build more than just consensus, but really help to provide for incentives and really amplify those good things that are working in Europe that we also as parliamentarians here in the United States could learn from.

I'm always fascinated when I go visit any one country on any of these missions and to hear, not only from other parliaments about what they're having to go through, but to share also my perspective because we have also been blamed for faults that I don't want to take any credit for, to be honest. I come from a very different perspective, very progressive, by the way. And sometimes that creates problems for people in our own delegation.

But I believe that it's because we are—this is a democratic institution we ought to be able to share those ideas. And so, even as a minority in some cases, it's still important for other people to hear our perspectives from the United States, which are very diametrically different from what may have been happening in the last 8 years.

And I, like you, have much hope that we are going to see a change, not only in the administration, but that we will see that there is more funding so that more Members will be able to participate. I can't tell you the last mission we went to I think we had such a good turnout of U.S. House of Representatives. And I'm not just talking about Representatives from one part of the country. But I'm talking about the diversity of this entire continent, if you will.

And that to me is very important because I as a Member of the House of Representatives—of course, when you look at me, you don't see the typical House Member. And that's what the world and what those in the OSCE need to understand as well. So we both have a lot, I think, to learn and share, but also go beyond just trying to come up with things that we think we can agree on but then no one's held to account. There is a lot of work that some of us put into these sessions.

And I know my colleagues here have been doing that for many years. I'm a recent arrival. But if I am going to make my energy available and my effort, because I can do so many other things here in the House, then I would like to see some credible assistance also in issues that we care about.

So one would be, yes, human trafficking, human rights, looking at revisiting these issues on migration, energy security, environmental and global climate change, which I think are very important. Some people might think we're not interested in those issues. We are very much fixated on those issues because they also pose security issues for us in the United States and our relations with other countries.

So I am excited about the possibility of what's going to come. But I also know that if I am asked to fight to see an increase in budgets, I want to make sure that the money is going appropriately to places where it's going to be most effective and transparent, not for the sake of continuing something that doesn't work, but making sure that we really do have a hand and can see that and that everyone that is helping us in this effort can have that ability to have that transparency.

And when there are questions asked, that they be answered. That's what positions are made available for. There should be accountability. And I hope that happens. That's how we will be able then to get more of our Members in the House to be a part of this and take this seriously as well.

Because I am surprised that this, to me, in some instances, has been a well-kept secret. And I'm just coming of age into this process here, but it's such a great organization. The principles, the goals are so relevant to everything we do every single day here in the House.

And, of course, we need to do more of our own introspective review of our own policies. We understand that. But it's going to take time. But we also need to work with our partners.

So it's more of a comment that I'm making. But I certainly would like to see more opportunities for some of our folks here in the United States to be able to serve in Vienna, to be able to partake in some of the wonderful things that are happening in OSCE and ODIHR and the Parliamentary Assembly because I think it's a good experience to expose, have more U.S. citizens partake in what is happening in issues abroad.

So I leave it with that, Mr. Chairman. Thank you for the opportunity to speak.

Mr. HASTINGS. Thank you very much, Ms. Solis.

I turn now the Ranking Member, who has had a substantial amount of involvement in all these issues. So, Mr. Smith, you have the floor.

**HON. CHRISTOPHER H. SMITH, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Thank you very much, Mr. Chairman. I thank both the Chairmen for convening this hearing—and to welcome our very good friend and long-time associate, Spencer Oliver, and a seasoned veteran of elections past who has done so much on so many issues, but especially on election observation and rule of law issues.

So it's so good to see you.

And, Ambassador Lenarčič, thank you for—I'm sorry I missed your statement, but I did read it. But I missed all your ad libs, so I will have to go back and read the record for that. But thank you for your presence. We're honored by your being here.

Just a couple of questions. I know that you had mentioned on your most recent trip that there are no double standards. And maybe this has been touched by some of my colleagues, but we know Moscow has in the Duma and officials of the Russian government some very different views when it comes to election monitoring, when it comes to press freedoms, religious freedom, across the board really. And I'm wondering if you already did, you know, maybe in a very short way you could just tell us what your impressions were. Because there needs to be consensus in the OSCE.

You know, we find this in a lot of places. I remember there was a big push in some of the Asian countries to change the definition of human rights. We know the Russians historically have always talked about more of a group thing. I remember when they tried to exploit the homelessness issue way back in the 1980s. We have to be concerned about homelessness, but not to the detriment of paramount individual human rights, freedom of speech, assembly and the rest.

And I would ask you, Mr. Oliver, if you could. Yesterday we heard some very incisive testimony about what appears to be Lukashenka's attempt to game the system of observers in Belarus, take the observers' presence and judo them for his benefit by talking, welcoming them seemingly to be hook, line, and sinker on the same page while denying the media to opposition candidates, using the executive electoral process to exclude opposition representation. And it seems to be a very sophisticated strategy.

And we know that the OSCE is on the ground there obviously with people who have been there since mid-August. I hope, you know, he's not able to obscure what I think will be a very damning report when it finally comes out.

But we know from ones to date since they've been there that this has been his game plan. You might want to speak to that.

And finally, Ambassador Lenarčič, I was in Georgia for 5 days 2½ weeks ago and met with the OSCE Mission there and was very impressed with their competence, their can-do attitude. Both the Ambassador and the head of the military mission gave us a very comprehensive briefing as to what they were attempting to do. And it was all good.

But there are concerns about how quickly the upwards of 100 monitors will be able to get deployed, whether or not they are adequately paid for. You know, are you happy with the 20 and then the 80 that will follow? Are you able to muster the kind of talent that will be needed to at least try to mitigate what could become a new powder keg built on the old?

Amb. LENARČIČ. Thank you very much first for the comments made by Representative Solis. I think there was an underlying issue between your comments and the questions by Chairman Hastings on discrimination. Discrimination is something that the OSCE has been fighting now for quite some time. I already answered the question by Senator Cardin on how we work with the

Chairman-in-Office's three personal representatives on tolerance and non-discrimination.

To this I would add the information system that we have developed at our office—it's called TANDIS, tolerance and non-discrimination information system. It compiles all the relevant information about the OSCE and other international conduct concerning tolerance and non-discrimination. It compiles all the documents that are there. It's, in my view, compiled in a very user-friendly form. And I would really invite you to check it.

It's something that we are proud of. A lot of work has been invested in that. And the feedback that we receive is positive. And there are a lot of hits on that part of our Web site. So it's something that I would certainly recommend and we will continue to expand on it.

Also, as far as discrimination is concerned, you mentioned Europe. Yes, it's an important issue in Europe, no doubt about that, and in other parts of OSCE regions. It is an important message that we try to address in our annual hate crimes report because discrimination is something that contributes decisively to the occurrence of the hate crimes.

And in this report we try annually to assess the situation on all areas of hate crimes, all areas. So crimes motivated by hatred for whatever reason, hatred of somebody who is different for whatever reason. This year's annual report is in the final stage of preparation. And I think that we will be able to promote it. I think it's an important report. A lot of effort was invested into collection of information and into drafting this report. And this is also one of our contributions, in addition to the numerous cases of our activities in the field in very many participating States.

I would like to thank you for the question of homelessness by Congressman Smith. Unfortunately, Chairman Hastings had to leave because he also asked a question about Russia. And I'm grateful for your reminding us of that part.

My recent visit to Russia, to Moscow had one motivation primarily, to man (ph) census. Russia is an essential part of the OSCE. It was said earlier that the Soviet Union was one of the founding members, not only founding members, but one of the instrumental countries in bringing the CSCE closer to existence.

I think that the Russian Federation today continues to care about the OSCE. It does. What I got there, the impression that I got there was that there is willingness to open a new chapter with my office to work on the commitment. But there is this burden of suspicion and mistrust.

I cannot say where exactly it comes from, but there are accusations of double standards, which I tried to, how will I say, deal with stating clearly that for us there is only one standard, and these are the OSCE commitments, which are equally applicable throughout the OSCE regions to each and every participating State. The remedy, the action that we take when there is a discrepancy between the commitment and reality, of course, differs because it depends on the discrepancy. However, the standard is one.

I think that we have to engage in more discussions with our Russian colleagues. As I said, I get the impression that they were ready to start a new chapter. I got the impression that they were

willing to engage in discussions. And I also got the impression that they do take seriously their commitment. The problem, as I said, seems to be this suspicion, as far as ODIHR is concerned, our office, suspicion that seems to be based on some perceived threat.

There appear to be people that believe that ODIHR is an agent of the West to stimulate changes in the East, which, of course, I think is not the case. We don't take orders from anyone, except 56 participating States as a whole. What they say is what we do. What they say is what we obey, all of them, not individual ones.

Just one sentence about the monitors in Georgia. We believe strongly that monitors that are to be deployed—and we hope they will be deployed sooner rather than later. But that is subject to consensus that we hope will emerge in Vienna.

These monitors should be deployed immediately, and they should also monitor human rights situations. That's what we believe, and we would like to see that happen. And we are ready to assist in training them and working with them so that the human dimension of the situation there on the ground is covered. Thank you.

Mr. CARDIN. Well, let me thank both of our witnesses.

Mr. OLIVER. I was just going to respond to that, if I may, Mr. Chairman.

Mr. CARDIN. Certainly, Mr. Oliver. Absolutely.

Mr. OLIVER. Thank you for your kind words, Mr. Smith. I think you must be going on about your 32nd year on this Commission, as I remember. When I was a young staff director here, you were a freshman member of the Commission. And you've been a faithful participant ever since. I don't think anybody knows more about the OSCE than you do in this Congress. I very much appreciate your support and your energy in pursuing implementation of the OSCE standards.

What I said earlier regarding, not just Belarus, but many of the countries in what you might call the transitioning democracies or whatever you might wish, but those who are struggling to try to establish democracy, they are tending to eliminate the possibility for opposition to participate and to compete in elections. And you have now one-party parliaments in several Central Asian states and in Belarus where Mr. Hastings led the observation of the last parliamentary elections [in 2006]. And I was there also.

A great difficulty came in the counting, but also the opposition, as you know, was harassed and intimidated. And the press was limited and restricted and shut down. I think that Ambassador Lenarčič's team on the ground there are reporting that this is a very quiet election. You would hardly know it was going on.

And I think the problem there is there's no opposition. There is no real competition. There is still some competition. There are human rights defenders and activists who want us to be there, who want us to observe these elections. There'll be about 70 OSCE parliamentarians being deployed there next week, a number of our people are already on the ground. I think in the next couple of days—and we've followed it rather closely.

But the great danger in these places is that, not that they don't know how to hold an election because I think that the election in Belarus—that if you look at the election law and the election commissioners and the voting on election day and the vote counting,

you won't find hardly any problems at all, I mean, maybe a few, little, minor things which really don't matter. What really matters is there's not a competitive atmosphere.

And in a democracy you have to have a competitive atmosphere. You have to have a critical opposition or democracy won't grow and thrive. That's the problem in these areas. And that certainly appears to be one of the major developments, unfortunately, in Belarus.

Mr. CARDIN. I would also add it helps when you have a free media and you have access to—opposition has access to be heard in addition to the opportunity to run. There is also a problem, I think, in Belarus with their commissions having adequate representation from minority parties.

But I think your point is well-taken on the election issues. It's not just what happens on election day. It's what happens leading up to the elections and the ability of opposition to challenge the government. And that's not true in Belarus. And it's not true in too many of the OSCE States.

I want to thank both of our witnesses, not just for being here, but for their long-standing service on these international issues. I can assure you that the United States Helsinki Commission will continue to be actively involved. We very much believe in the importance of the mission.

We will be looking at every opportunity we can to accomplish the type of reforms within OSCE that we think are important. We will be very supportive of ODIHR and your mission and look for ways in which your budgets become stabilized to carry out the missions you need to. And we will look for opportunities to advance additional issues that we believe are important for human rights.

We're proud, again, of our records dealing with discrimination and intolerance, dealing with trafficking, which our Commission took a lead on and on advancing the cause of the Roma population, which we still believe needs a lot more work in ODIHR and OSCE. So we'll continue to look for ways in which we can highlight what we believe are the challenges in the human rights basket of OSCE and work very closely with you, Mr. Ambassador, on strategies where we have adequate resources to advance those issues, always working in the spirit of OSCE with the participating States trying to get the best practices in each of our OSCE countries.

We always welcome your suggestions on how we can improve. But I do hope that we find a way in which the parliamentarians working with our governments can try to bring about the type of reform so that we have a better process for advancing the agenda. I think we all are just frustrated by way decisions are made. And I agree with what Spencer said. And maybe I'll just underscore this point.

In too many cases I don't believe the government really knows what's happening in OSCE, that what's happening in Vienna is insulating the governments from having to make a decision they choose not to. And as a result, we're stymied because of the consensus requirement. And that could be a minor issue concerning an appointment of an individual, or it could be some major issue. So I think we can do better, and I'll look for ways in which we can figure out strategies in order to accomplish that.

And with that, the Commission will stand adjourned. Thank you all very much.

[Whereupon, at 4:24 p.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

I am pleased to convene this hearing of the Helsinki Commission focused on two important OSCE institutions which share a common mission of advancing human rights and democracy through the OSCE region, now encompassing 56 countries. For those Americans familiar with the Helsinki Accords, perhaps the image that comes first to mind is of the Soviet Gulag and the persecution of courageous individuals like Andrei Sakharov or the plight of refuseniks denied their right to emigrate. Indeed, the human dimension, as it is called, is the human face of the Helsinki Process for many.

There is no question that the power of the ideas enshrined in the Helsinki Final Act shook an empire and helped topple dictatorships, ushering in new opportunities for hundreds of millions of people throughout Eurasia to enjoy freedoms long denied them. At the same time, the process of overcoming the legacy of the past has not been without its own costs.

It would have been unimaginable back in 1975, the year that historic document was signed, to think that a mere fifteen years later the leaders of the participating States would commit “to build, consolidate and strengthen democracy as the only system of government of our nations.” The challenge for each of our countries is to translate such lofty pronouncements into practical action.

Agreement was reached back in 1990 to create specialized institutions to assist the participating States in this process. Based on a U.S. proposal, the then Office of Free Elections was established in Warsaw and later expanded to encompass human rights under the title, the Office for Democratic Institutions and Human Rights, as it is known today. Similarly, the United States urged that creation of a parliamentary dimension for the Helsinki Process in recognition of the unique contribution that elected parliamentarians could play in advancing the aims of Helsinki. I would point out that one of my predecessors, the late Congressman Dante Facsell, and another chair of the Commission, Steny Hoyer, played an active role in the negotiations that led to the establishment of the OSCE Parliamentary Assembly, based in Copenhagen. I had the privilege of serving as President of the Assembly from 2004 to 2006.

While distinct, these two OSCE institutions do share an overlapping mission to advance human rights and democracy. Indeed, in many ways their roles are complementary and their efforts strengthened to the extent that they work cooperatively. This point is particularly critical in the current environment in which some participating States, notably Russia, appear intent on undermining the OSCE’s human rights and democracy promoting work.

Events in recent weeks in Georgia should serve as a stark reminder that there is much work that needs to be done if we are truly to overcome the legacy of the past. These and other challenges will require strong U.S. leadership from the incoming ad-

ministration, if the OSCE and its institutions, including those represented here today, are to fulfill their mission of advancing human rights and democracy.

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

I welcome this opportunity to examine the ongoing work of the Office for Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly, two institutions at the forefront of efforts to further respect for human rights and contribute to the building and consolidation of democracy in the participating States. My own involvement in this work dates back to the dark days of the Soviet era when tens of thousands of Jews in the U.S.S.R. were denied the possibility of emigrating to Israel or elsewhere. Anatoly Scharansky, one of the founding members of the Moscow Helsinki Group, helped draw attention to their plight and paid a great personal price for his advocacy on behalf of Soviet Jewry.

The historic events of the late 1980's and early 1990's culminating in the fall of the Berlin Wall and ultimately in the collapse of the Soviet Union opened the door for individuals and nations to chart their own futures. These developments were seen as triumphs, not of one alliance over another, but of ideas and the human spirit.

I have stood at the foot of the Brandenburg Gate, once the symbol of a divided city, country and continent, and witnessed firsthand the positive impact of those events. More recently, I have walked along Independence Square in the center of Kyiv and seen the transformation of that country following the Orange Revolution.

Despite these and other advances, the reality is that many challenges remain if the promises of Helsinki are to be enjoyed by all. Recent Commission hearings on developments in Kazakhstan, Georgia, and Belarus as well as the rise of racism, anti-Semitism, and other forms of intolerance are reminders of some of our unfinished work.

The OSCE's comprehensive framework—encompassing the security, economic and human dimensions—makes it uniquely suited to help meet these challenges. Engagement and dialogue can be important vehicles for bringing about change and greater adherence to the common commitments agreed to by all participating States on the basis of consensus. The Office of Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly, in which I serve as a Vice President, can and should serve as catalysts for advancing human rights and democracy throughout the OSCE region.

I look forward to the testimony of our witnesses this afternoon and thank you, Mr. Chairman, for convening this hearing.

**PREPARED STATEMENT OF AMBASSADOR JANEZ LENARČIČ,
DIRECTOR OF THE OSCE OFFICE FOR DEMOCRATIC INSTI-
TUTIONS AND HUMAN RIGHTS (ODIHR), WARSAW**

Mess. Co-Chairmen,
Distinguished Commissioners,
Ladies and Gentlemen,

It is a true honour to be invited to participate in this hearing so early in my tenure as the Director of the ODIHR, and in a year in which we celebrate the 60th anniversary of a document which was truly standard-setting with respect to upholding human rights on a global scale, the Universal Declaration of Human Rights. Let me also say at the outset that the support of your unique Commission and that of the U.S. government has been, and remains, essential to our work.

Prior to our discussion, I would like to make a few remarks about what I believe to be the place of the OSCE in the global security architecture and more specifically the position of our Office, the ODIHR, in it. Second, I would like to give you a few examples how our Office contributes to strengthening the Helsinki spirit upon which this Commission was founded. And in a third step, I would also like to expand upon the notion of democracy promotion within the OSCE context, some of its successes, and some of the challenges it faces.

* * *

At the 1990 Summit in Paris, heads of state and government from across the CSCE region declared that “the era of confrontation and division of Europe has ended”, and heralded a “new era of democracy, peace and unity in Europe.” Today, less than two decades later, it turns out that the optimism shown in Paris may have been premature. The enthusiasm of the early 1990s has given way in the capitals of the region to a more sober view of Europe’s post-Cold War realities. New divisions seem to have appeared in recent years. Confrontation appears to have made a comeback in the meeting rooms where the debates about Europe’s security challenges take place.

Not surprisingly, the OSCE, as the only platform where all states of this vast region discuss security issues on an equal footing, has become one of the main stages where these new divisions are being played out. As a result, a certain measure of mistrust and suspicion has characterized relations within the OSCE in recent years. This has also affected the work of our office, the ODIHR.

I want to be very clear: I am convinced that the OSCE can continue to play a crucial role in achieving the goals we have set ourselves in Paris and at other OSCE summits and meetings over the past two decades. The OSCE has a number of unique features that should make it our organization of choice for tackling some of the key security challenges of our time. The OSCE remains the only regional security organization that brings together all states on the basis of equality and, if activated by its members, can react flexibly to new threats and challenges, including those that we have seen in the very recent past. No-where is this more significant than in the current discussions around the future activities of an enlarged

group of monitors in Georgia and the role of the organisation in a peaceful settlement concerning Abkhazia and South Ossetia.

It is also clear that the promise of democracy, peace and unity enshrined in the Paris Charter remains very much alive among the peoples of our region. We experience this every day in our work in the field, in countries across the entire region. It is this promise, and the expectations of the people of this region, that must guide us as we—individually and collectively within the OSCE framework—design our responses to the challenges we face.

It is therefore my unwavering conviction that if we want this Organization to prosper and develop in the 21st century, and if we want the ODIHR to continue to fulfil its mandate in an effective manner, we need to rebuild trust and overcome suspicion. One way of doing this is to start dropping the labels and adjust our idioms. It is disappointing that we still refer to “East” and “West”, or, as is practice in the OSCE, “east of Vienna” and “west of Vienna”.

While such language of division was at the heart of the Cold War confrontation, it has lost its function in today’s reality. We should have, once and for all, overcome the decades of ideological confrontation and these designations should have become devoid of meaning. Invoking a line dividing the “East” from the “West” of Vienna two decades after the fall of the Berlin Wall sounds strangely stale and wooden. Perhaps it is also time to adjust our idioms and to re-think, within the OSCE framework, our references to “longer established democracies” and what we have come to call “new” or “transitional democracies”.

* * *

Ladies and Gentlemen,

The OSCE’s approach to promoting democracy has never been a one-way street. The OSCE is not about one-direction value transfer or imposition. The Helsinki process, we will recall, was inspired by what a former West-German Minister, Egon Bahr, coined *Wandel durch Annäherung*—“change through rapprochement”. Striving for a convergence of positions through dialogue and exchange, sometimes in incremental steps but nevertheless in an ongoing process, has always been the approach chosen by this organization.

It is this approach that has allowed us over the past decade to bring human rights to the field and to deliver concrete results. By way of example, let me elaborate on a sample of six activities our Office has been undertaking this year:

1. Our Office cares about the fate of human rights defenders. It monitors and reports on the situation of those who derive their mission from the Helsinki movements of the late 1970s and 80s. Over the past years, we have seen serious violations of the rights of human rights defenders—ranging from the subtlest of means to the most violent of methods. Our Office will publish the second report on the situation of defenders by the end of this year, which will not fail to point out challenges and obstacles, but will also contain a number of good practices detailing how to respect, protect, engage with and facilitate the work of defenders, in line with the commitments States made in Budapest 1994.

2. After the tragic events in Yerevan in March this year, the ODIHR, together with the Council of Europe’s Venice Commission,

engaged in discussions with the Armenian authorities on the amendments that were hurriedly made to the Law on Meetings and Demonstrations. The ODIHR was able to convince the Armenian authorities that these amendments were not in line with international standards and encouraged changes that would provide for a more enabling environment for holding rallies and assemblies. The Guidelines on Freedom of Peaceful Assembly that the ODIHR developed over the past two years were a very useful tool for conducting discussions in Yerevan. They provided examples on how to ensure the respect for the right to peaceful assembly while accounting for the need to maintain public order. After these discussions the Armenian Parliament brought the law closer in line with international standards. The ODIHR is currently conducting follow-up training of human rights defenders in Yerevan as we speak.

3. We are in the process of finalising an overall assessment of the implementation of the OSCE Action Plan on Roma and Sinti, which will offer concrete recommendations as to how discrimination against these groups can be eradicated. We are fortunate this year as the Finnish OSCE Chairmanship has prioritized this issue and has paid particular attention to areas in which Roma face particular challenges: education, housing and employment. I may add that the urgency of these issues has been highlighted in Italy this year where we have undertaken a field visit to collect first hand data and highlighted the positive measures for the long-term integration of Roma that should be taken without delay.

4. Let me also mention our assistance in the fight against trafficking in human beings—the heinous practice of modern-day slavery—which has been a priority for our office since 1999. Since then, we have worked hard to raise awareness that preventive and protective action is needed also in destination countries, where trafficked persons are exploited. In fact, we have continuously drawn attention to the need for comprehensive rights-based responses in reaching out to, and protecting, the rights of marginalized groups often exposed or vulnerable to exploitation. This includes migrants, regular and irregular, among them often women and minorities. Both nationals and foreigners must be in a position to access assistance and justice. They must not be re-victimized or criminalized because of their legal status or their work.

In this context, our Office has focused this year on an issue that is often being overlooked: access to justice for those trafficked and exploited. In May this year, we published a study on compensation for trafficked and exploited persons in the OSCE region which analyses the right to compensation in international law as well as in eight OSCE participating States, including the U.S. The study is already being used, both by governments and civil society, as a resource and guidance in their practical and policy work. The American Bar Association, for instance, is organizing a two-day training for civil attorneys on civil remedies for trafficked persons in early October in Washington. The Special Day on Trafficking in Human Beings during this year's HDIM, on 8 October, will be an excellent opportunity to share good practices and identify key challenges, also related to victims' access to justice and compensation.

5. Our office has developed a wide array of tools to support States and civil society across the OSCE region in their efforts to prevent and combat hate crimes and other forms of intolerance. These include guidelines for legislators, training seminars for law enforcement and civil society as well as resource guides on specific communities. I will mention in particular the teaching materials on anti-Semitism which we have developed for 10 States, each version tailored to their specific histories and on contemporary manifestations of anti-Semitism. We have now started the implementation phase in Germany, Lithuania, and Ukraine, where training sessions for teachers are currently being held. The successful work in the area of combating anti-Semitism has allowed us to use the experience and plan for similar approaches to other areas of tolerance and non-discrimination.

6. Last but not least, as I would like to elaborate on some of the concrete assistance projects our Office is undertaking this year, let me remark on what has become the signature activity of our Office for more than a decade: election observation. Within the past 12 months, the ODIHR has followed elections in Armenia, Croatia, Georgia, Kyrgyzstan, the Former Yugoslav Republic of Macedonia, Italy, Montenegro, Poland, Serbia, Spain, Switzerland and Uzbekistan. We have currently deployed Election Observation Missions to Belarus and Azerbaijan, and will soon—in three weeks, in fact—send our 50 or so observers to follow the U.S. presidential and congressional elections.

It has been said many times that all 56 OSCE States are bound by the same commitments. We have, over the past years, and under the stewardship of my predecessor, Ambassador Strohal, broadened the geographic scope of our activities to follow electoral developments in a wider range of States. Let me at this point thank you, the Helsinki Commission, and in particular Chairman Hastings, for the support we have received over the years - not only for the activities we undertake in Europe and Asia, but also here in the U.S. I have been reassured by your Government and many other participating States that attempts to reinterpret OSCE election commitments, or the mandate of the ODIHR, and efforts to curb the scope of observation, or the number of observers that we send to a particular country, will not succeed.

Likewise, if we were to abandon our neutral judgment on election-related issues, both before, on, or after election day, we could as well stop our work. By inviting our observers to follow the upcoming elections in this country without imposing any restrictions, the United States is again demonstrating that it stands firmly behind the commitments it has made almost two decades ago. We look forward to a good cooperation as we prepare for the deployment of our observation mission.

I would also like to take this opportunity to recognize the valuable contribution of parliamentarians to election observation, and in particular our cooperation with the OSCE PA. As I have emphasized before, this cooperation must be based on a genuine partnership, as prescribed by the participating States. We are bound to work in this spirit of cooperation and partnership, on the basis of an agreement signed in 1997.

* * *

Ladies and Gentlemen,

At the roots of the Helsinki Process was a realisation that democracy and empowerment need to be home-grown and need to develop at their own pace. And indeed, the Helsinki Final Act, including its reference to the principle of territorial integrity of States, remains a fundamental cornerstone not only for the wider security framework of Europe and of the OSCE. It also serves, in its spirit and its letter, as a guiding beacon for our Institution. In essence, it set in motion a process that has recognized human rights, the rule of law, and democracy as essential prerequisites of security and lasting peace. Since then, of course, the OSCE has deepened and developed its commitments on human rights and democracy, and the commitments undertaken later in Copenhagen, Paris, and Moscow have set the standards for an accountable and transparent democratic system as the only system of government, and have confirmed that the protection of human rights is the first responsibility of government.

But as we pay tribute to the standard-setting role of these documents, we will have to recognize that democracies develop at different speeds, and from different starting points. While the OSCE acquis has set out the perhaps most developed international standards of democracy in the world, it has not laid down in parallel a precise timeframe, or clear trajectory along which democratic development must occur. This would have been counter-intuitive to the framers of the CSCE process.

Indeed, we have come to realize that democracy is not a prize or trophy that once won is passed on from one generation to another. Democracy has no finality; it is a process, everywhere. And the level of trust in this process must be constantly maintained and renewed. If we acknowledge that this is the case, and move away from the stereotypes of the past, we obtain a clearer and more honest view of the specific challenges individual States face, no matter where they are located on the map.

The concerns we are preoccupied with have anyway long ago stopped to neatly follow the old dividing lines. This is also true for the human dimension of security, the area our Office is mandated to promote. Ensuring that the fight against terrorism does not unduly infringe on the protection of human rights, combating the global trade in human beings, promoting the integration of Roma and Sinti, fighting hate crime and other forms of intolerance—these are enormous challenges that pose a threat to many societies across the whole region, and not just in one particular part of it.

* * *

Distinguished Commissioners,

As someone who has been brought up and lived half of his life in a country devoid of democratic checks and balances, in which the party gave and took from the people at its own behest, I personally experienced the difference between democracy and autocracy, between freedom and oppression.

It is one of the particularities of our organization, contrary to the European Union or the WTO, for instance, that it does not reward,

nor punish the lack of, compliance with its acquis. It does not hand out carrots and cannot wield sticks. The OSCE, and in particular our Institution, is not in the business of “grading” democratic development. We don’t grade, we don’t reprimand. We assist. And our assistance goes wherever States may fall short of their human dimension commitments, and invite us to be of use. In short, we cannot do our work without their cooperation.

It is therefore appropriate to argue that we need to re-create a Helsinki momentum. I advocate that we regularly return to our basic texts, and to an understanding in which we use the OSCE as a political forum for peer review, in which its members hold each other accountable on the basis of equality and avail themselves of the assistance and advice of missions and institutions such as the ODIHR, which were set up precisely for this purpose.

In this process, civil society actors must play a vital role. The vision of OSCE commitments is not one where action taken by States alone is sufficient to achieve democratic government under the rule of law. The commitments recognize as matters of international concern precisely those that civil society actors should engage in to influence government policy and protect democracy: full respect for human rights, including the freedom of assembly, freedom of association, freedom of expression and, of course, a free media. Where States fall short in upholding these and other rights, our Office has not failed, and will not fail, to alert political leaders, and will continue to be specific and concrete in identifying both challenges and possible solutions.

* * *

Ladies and Gentlemen,

My elaborations so far have underscored that democracy promotion may have become more difficult over the years, and the decade of quick-fix solutions to problems of transition has yielded mixed results. I do, however, remain convinced that effective multilateralism can contribute to the growth of democracy. The OSCE remains a political community based on commitments which—though they do not carry the full force of international legal obligations—have enormous political weight. They were freely entered into by all States, in consensus. I therefore predict that States will continue to seek our advice and counsel in fields where relevant international practice or standards exist. The way forward therefore is to instil confidence and trust in the OSCE, and particularly our Institution, so that the notion of pluralist democracy is not seen in some quarters as a threat.

I hold the view that democracy and institution-building are unfinished business everywhere. Distinguishing between ‘young’, ‘new’, ‘longer-standing’ and ‘old’ democracies does not serve any useful purpose. Let me give you a quote by a former prime minister, who pronounced himself on the future of democracy: “We are now entering upon a new era”, he declared in 1933, “Parliamentarianism, with its political parties, belongs to the past”. With these words, the late Austrian Chancellor Dollfuß sealed the fate of a democratic experiment that had lasted for over a decade and was endowed with the model constitution of its time. My point is: democracy, unlike good bourbon, does not necessarily improve

by itself, with age. There are reversals and setbacks. We should therefore shed those labels. They only make our work more difficult. We should focus more on genuine dialogue founded on mutual respect and cooperation.

Indeed, the sad experience of the past century has shown us that democracy is not an end-state, but one which ebbs and flows in accordance with the determination and the resolve of those committed to upholding it and protecting it from those who seek to arrogate power to themselves. It is our collective duty to ensure that the democratic tide does not recede, and the duty of our Office to assist both States and civil society actors to ensure a positive trend is set or continued, in the interest of the security of all States.

This is especially valid as new challenges have appeared—those, for instance, that relate to the fight against international terrorism and the careful balance states should strike in order to meet both their obligations under international human rights law, and equally important, the political commitments undertaken in the framework of the OSCE.

While throughout the 20th century, the United States was one of the driving forces in the promotion of human rights, the rule of law and democracy, some recent developments have led some to cast doubts over the sustainability of this role. For many in the international human rights movement, documented instances of abuse at Guantanamo and Abu Ghraib have been a great disappointment. The establishment of secret places of detention and rendition flights have dented, in the eyes of some, the credibility of the United States as promoter of freedom and effective human rights. And yet, the international human rights and democracy movement will hardly succeed without the determined and credible leadership of the United States. The approach taken by the presidential candidates on this issue has been received with a degree of relief across many parts of our region, and it instils hope that America will once again find the way back to its traditional role as a leader and example for others.

In order to show true leadership on human rights one must start at home. There can be no double standards. The norms against which each State's actions are measured are the same for all OSCE countries. It is in this context that the work of the Helsinki Commission is important in that it has, over the years, been a forceful voice for America to live up to its commitments.

Credibility is a crucial factor for human rights policies; it begins with honouring commitments made by governments to protect human rights effectively and to respect the rule of law. It is on the basis of our own country's performance within what we call the OSCE 'human dimension' that we should be developing our stance vis-à-vis our international partners. The OSCE remains a unique framework for realizing the fundamental objectives that have been so forcefully put forward in the Paris Charter.

In closing, I would like to thank you most warmly for your invitation to address you and I look forward to cooperating with you throughout the term of my Office.

**PREPARED STATEMENT OF R. SPENCER OLIVER, SECRETARY
GENERAL, OSCE PARLIAMENTARY ASSEMBLY**

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.



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