

Election Monitoring Mission of the Organization for Security and Co-operation in Europe within the Democratization Context

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ABSTRACT

This paper aims to analyze the election monitoring mission of the Organization for Security and Co-operation in Europe (OSCE) within the democratization context. The OSCE is the leading international organization in the field of election monitoring and election assistance within its region. Recognizing the importance of conducting free, fair and democratic elections in promoting democratization through creating democratic institutions and societies, the OSCE provides election observation for its participating States. The OSCE takes the view that monitoring elections has a constructive role in meeting election-related international standards as well as in complying with the OSCE's norms and commitments in the field of elections. Election monitoring mission of the OSCE serve as a democracy promoter instrument by increasing the level of confidence in the whole electoral processes.

Keywords: Organization for Security and Co-operation in Europe (OSCE), Security, Human Dimension, Democratization, Elections, Election Observation, Election Monitoring

INTRODUCTION

The initial phases of the Organization for Security and Co-operation in Europe (OSCE) dates back to the Conference on Security and Co-operation in Europe (CSCE) in the early 1970s. The CSCE started as a conference process, so-called 'Helsinki Process', during the détente period of the Cold War era. In 1975, 'Helsinki Final Act' was signed by the participating States of the CSCE. The CSCE served as a diplomatic platform for security and co-operation. The CSCE also provided an important multilateral forum for dialogue and negotiation between Eastern and Western blocs during the Cold War period in order to bridge the different understandings and perceptions of the participating States. The CSCE outlined a comprehensive security framework, including three baskets: questions related to European security; economy, environment, science and culture; and human rights issues.

With the end of the Cold War era, the CSCE started to transform itself from a conference process to a regional security organization. The CSCE participating States agreed on establishing permanent institutions, structures, mechanisms and operational capabilities. In 1992, the CSCE started to deploy its first long-term field operations to the hosting participating States after the erupting conflicts in the Balkans, Eastern Europe and the Caucasus. At the 1994 CSCE Budapest Summit, the participating States decided that the CSCE was renamed the Organization for Security and Co-operation in Europe (OSCE), as a pan European security body in assisting the participating States in the process of post-communist transition to democracy and market economy as well as supporting them against existing and newly emerging security threats and challenges in the post-Cold War era.

The OSCE is a pan European security body with 57 participating States from a wide range of regions such as Europe, North America and Asia as well as partner states for co-operation from Mediterranean and Asia. Today, the OSCE "works to ensure peace, democracy and stability" in its region. The OSCE is active in early warning, conflict prevention, crisis management and post-conflict rehabilitation. Today, the OSCE provides a "forum for high level political dialogue on a wide range of security issues and a platform for practical work to improve the lives of individuals and communities". The OSCE serves as an instrument to "bridge differences of states and build trust through co-operation with its specialized institutions, expert units and network of field operations".

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The OSCE aims to foster security and stability through co-operation in the Euro-Atlantic and Eurasian regions by addressing a wide variety of common security issues in three dimensions of security, namely politico-military, economic-environmental and human dimensions.¹

The OSCE is a regional arrangement under Chapter VIII of the United Nations (UN) Charter. The OSCE does not have any legal personality or legal status within the framework of international law. The Organization is lack of a founding treaty under the international law. All participating States are equal in status. Decisions are taken by consensus in the OSCE. OSCE decisions and commitments have only politically, not legally binding, character.

The OSCE is a norm-setting organization. The OSCE has developed a broad range of norms, principles and commitments in all three dimensions of security. The OSCE has twofold functions: Firstly, the OSCE helps the participating States to fully implement the commitments developed by the Organization. Secondly, the OSCE monitors the implementation of the commitments by the participating States. The OSCE has also established a comprehensive institutional structure and permanent institutions and mechanisms in supporting its participating States’ efforts towards addressing the problems, challenges and threats of new security environment in the post-Cold war era.

The OSCE views security as comprehensive and works to address the three dimensions of security – the politico-military, the economic and environmental, and the human – as an integrated whole. OSCE’s comprehensive approach to security intertwines the politico-military aspects of security with economic-environmental and human dimension matters. According to this multidimensional understanding of security, various dimensions of security are complementary, interconnected and interdependent. As required of its comprehensive approach to security, the OSCE tries to become active in both hard or military and soft security issues, including a broad range of security-related concerns such as arms control, confidence and security-building measures, conflict prevention and resolution, border security, terrorism, economic and environmental issues, human rights and fundamental freedoms, protection of minorities, democratization, gender equality, media freedom and tolerance and non-discrimination issues.

The core mission of the OSCE is to foster security through cooperation. The OSCE is sometimes called as a ‘pan European security body’ or as a ‘pan European security organization’. The OSCE aims to enhance security and stability by promoting openness, transparency and cooperation among the participating States and preparing a ground for implementing common norms, principles and commitments. The OSCE serves as a valuable tool and an important international framework in consolidating the security and stability of the Euro-Atlantic and Eurasian regions around the common norms, principles and commitments.

When we look at the reverse side of the subject, after the twin enlargements of the European Union (EU) and North Atlantic Treaty Organization (NATO) in 2004, the role and relevancy of the OSCE in European security started to be increasingly questioned and challenged. Russian Federation and some members of the Commonwealth of Independent States (CIS) have put forward their increasing criticisms and dissatisfactions with the current functioning of the OSCE. They have serious objections to “the unbalanced approach of the OSCE in terms of geography, mainly devoting attention to problems of the participating States located in the east of Vienna, and substance, too much attention to human dimension issues such as democracy, human rights and election monitoring at the expense of politico-military and economic and environmental issues”.²

In addition to the participating States’ divergent perceptions towards the role and function of the OSCE and apart from a set of specific criticisms made by some participating States towards the Organization, the OSCE is being increasingly challenged by a series of weaknesses and shortcomings in institutional and operational terms. Since the late 1990s, a number of words such as ‘crisis’, ‘reform’, ‘decline’, ‘crossroads’, ‘relevancy’ and ‘adaptation’ have been used to describe the existing situation of the OSCE.³

¹ ---, ‘OSCE Factsheet, What is the OSCE?’, available at <http://www.osce.org/secretariat/35775?download=true>, Accessed on 5 May 2013.

² ArieBloed, ‘Debates on the ‘reform’ of the OSCE speeded up with the Report of the Panel of Eminent Persons’, *Helsinki Monitor*, no.3, 2005, pp.243-244 and ArieBloed, ‘CIS Presidents attack the functioning of the OSCE’, *Helsinki Monitor*, No.3, 2004, p.220.

³ David J. Galbreath, *The Organization for Security and Co-operation in Europe*, London and New York: Routledge, 2007, p.128.

This paper focuses on the election observation mission of the OSCE within the democratization context. The paper, firstly, tries to define the human dimension of the OSCE, indicating what the term ‘human dimension’ means. Secondly, the paper focuses on the OSCE’s democratization activities within the framework of its human dimension as an important part of Organization’s comprehensive security approach. Finally, the paper focuses on the election monitoring-observation activities of the OSCE as an indispensable component of the Organization’s democratization efforts.

HUMAN DIMENSION OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

The OSCE adopts a comprehensive approach to security. Therefore, the OSCE engages not only in politico-military-related issues but also economic-environmental and human-related issues in a comprehensive manner. The human dimension is an integral part of the OSCE’s comprehensive approach to security along with the politico-military and economic-environmental dimensions of security in promoting and strengthening security, stability, prosperity and peace across the entire OSCE region.⁴The OSCE terminology describes the term ‘human dimension’ as a set of norms, principles and politically binding commitments as well as human-related activities to “ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout the OSCE area”. Since the Helsinki Final Act in 1975, the CSCE/OSCE has developed a wide range of catalogue covering the norms, principles and politically-binding commitments related to human rights and fundamental freedoms, democracy and the rule of law. This comprehensive framework is called as ‘the human dimension of security’ in OSCE terminology.

The OSCE acknowledges that “security is not merely the absence of conflict or war”. Creating and maintaining security, stability and peace cannot be accomplished not only by the means of political or military tools but also by taking into consideration the security of the individual human being. The OSCE takes the view that security cannot be ensured in the absence of “a democratic state abiding by the rule of law and respect for human rights”. In other words, the OSCE participating States are agreed that security is not totally independent from the practice of strong democratic institutions, the rule of law and finally respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities. The OSCE believes that “states’ failure to fulfill these conditions may give rise to instability and insecurity in the OSCE region”. Hence, the OSCE has performed a broad range of human dimension activities in a combination with the politico-military and economic-environmental dimensions with a view to effectively addressing and dealing with security risks, threats and challenges in its region.⁵

The OSCE’s approach is that security can only be achieved and maintained through the promotion and protection of human rights and fundamental freedoms along with democracy and the principle of the rule of law. In other words, ensuring respect for human rights and fundamental freedoms, strengthening democratic institutions and promoting the rule of law can serve as the best long-term guarantor of security and stability within the whole OSCE region. Within this framework, protecting and improving human rights and fundamental freedoms, including the rights of persons belonging to national minorities as well as establishing respect for them has been always an integral and indispensable component of the OSCE’s comprehensive concept of security within the framework of the Organization’s human dimension. The OSCE has developed a well-established normative and operational frameworks and instruments in order to protect and improve human rights and fundamental freedoms. The activities of the OSCE in the field of human rights and fundamental freedoms serve as a significant contributor to the strengthening and promoting security and stability in the long-term within the entire OSCE region.

The OSCE has successfully integrated human dimension-related issues into the security agenda. The OSCE has brought a new dimension to security, namely human dimension. The human dimension has

⁴ ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

⁵ ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension’, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.2.

gained importance since the end of the Cold War. The scope of the human dimension component has been continuously developed over the years. The OSCE’s human dimension reflects very well the Organization’s non-military aspects of security functions, covering a broad range of activity fields. The OSCE has developed a well-established normative framework in the field of human dimension including norms, principles and politically-binding commitments. The OSCE has also established a set of human dimension mechanisms and permanent institutions with a view to assist all the participating States in the implementation of human dimension commitments. The participating States also acknowledge that ensuring an effective implementation of human dimension commitments can be achieved only with monitoring and reviewing the implementation of these commitments. Hence, the CSCE/OSCE has established a set of conferences, events, review meetings, and seminars with a view to assist the participating States in implementing human dimension commitments as well as to monitoring the implementation of these commitments regularly.⁶

In the Cold War era, the human dimension of the OSCE was basically developed around the human rights and fundamental freedoms, including the rights of persons belonging to national minorities. However, following the end of the Cold War period, the scope of the human dimension has substantially broadened, including a set of newly emerging issues such as gender equality, media freedom and tolerance and non-discrimination, which have significant impacts on security. The ODIHR was initially designed as an institution to promote free and fair elections with the name of ‘the Office for Free Elections’ in the very early of the 1990s. However, in the post-Cold War era, the Office for Free Elections was transformed to the ODIHR with a wider mandate as a result of the newly emerging non-military security issues in relation to human dimension. The CSCE participating States started to adopt norms and commitments on a wider range of human dimension issues, covering democracy, the rule of law and political pluralism with the end of the Cold War period.⁷In this new environment, democracy and democratization started to constitute one of central pillars of the OSCE’s human dimension along with the human rights and fundamental freedoms. As a result, democracy and human rights are the two main foundations of the OSCE’s human dimension today.

Human rights and democracy constitute vital elements of the OSCE’s human dimension. The OSCE participating States are strongly convinced that “lasting security cannot be achieved without respect for human rights and functioning democratic institutions”.⁸ Hoyer states that “long-term stability and security can only be assured if human rights and rule of law standards are respected and democratic freedom of expression is guaranteed”. In this regard, democratic institutions, free and fair elections, the rule of law, free media and respect for human rights and fundamental freedoms including the rights of persons belonging to national minorities are common values for all the OSCE participating States.⁹The human dimension commitments developed for protecting and improving basic human rights and fundamental freedoms within the participating States have become a central pillar of the OSCE acquis.¹⁰ The OSCE human dimension norms and commitments include a broad range of categories than traditional human rights law.¹¹

Following the Cold War period, with the rapid institutionalization process of the OSCE from a conference approach to a full-fledged international organization, the OSCE started to establish a number of permanent institutions to assist all the participating States in implementing the human dimension commitments as well as to monitor the implementation of these commitments. The main institutions of the OSCE operating in the field of human dimension are ‘the Office for Democratic

⁶---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication, OSCE Human Dimension Commitments. Volume 1.Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.2-4.

⁷ Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

⁸Factsheet of Office for Democratic Institutions and Human Rights.

⁹ Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.117.

¹⁰ Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

¹¹---, ‘OSCE, ODIHR, What is the human dimension’, available at <http://www.osce.org/odihr/43546>, Accessed on 5 September 2012.

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Institutions and Human Rights’ (ODIHR), initially created as ‘the Office for Free Elections’, ‘the Representative on Freedom of the Media’ (RFM) and ‘the High Commissioner on National Minorities’ (HCNM). The OSCE field missions have also played an important role on the ground in terms of assisting the participating States in implementing the OSCE’s human dimension commitments. The field operations are of vital importance to support the host participating States in their efforts to put the human dimension-based commitments into practice.

The ODIHR is the key human dimension institution of the OSCE. The ODIHR carries out a wide range of human dimension-related activities aimed at strengthening security, stability, and democracy within the entire OSCE region. The ODIHR assists all the participating States to fully and effectively implement the OSCE human dimension commitments by providing expertise and practical support with a view to contributing to increasing security, stability and peace throughout the Euro-Atlantic and Eurasian regions. The ODIHR supports all the participating States in complying with their commitments in the field of human dimension. At the same time, the ODIHR is mandated to monitor the implementation of the OSCE human dimension commitments by the participating States. The ODIHR has a wide range of tasks including contributing to the efforts for dealing with trafficking in human beings; promoting democratization and democratic institutions through democracy assistance projects; strengthening the rule of law; assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance; ensuring respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities; promoting media freedom and gender equality; and finally combating intolerance and discrimination within the OSCE region. The ODIHR also provides assistance to the OSCE field presences “in their human dimension activities, through training, exchange of experiences, and regional co-ordination”.¹²

All positive records achieved in the human dimension by the OSCE do not necessarily mean that all human rights and democracy-related commitments are fully and effectively implemented by all the participating States. The OSCE region has been facing serious violations of human dimension-based norms, principles and commitments. These violations have created serious insecurities and instabilities for the individuals and groups as well as States. Although the OSCE has registered visible records in supporting the transition countries towards democracy in Eastern and South-Eastern European countries, in other regions of the OSCE space the Organization must intensify its efforts to ensure that respect for human rights and democratic principles and commitments are promoted and strengthened. However, it can be concluded that the OSCE’s center of gravity on the non-military security issues derives from the human-dimension-related activities despite the growing opposing views of the participating States towards the Organization’s attempts and tasks in the field of human dimension such as democracy, human rights and election monitoring. The OSCE has developed both normative framework and operational capabilities in the human dimension.

DEMOCRACY AND DEMOCRATIZATION WITHIN THE FRAMEWORK OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

The OSCE’s human dimension was only based on human rights-related issues in a narrow scope during the Cold War years. Although human rights-related subjects were separately categorized in the third basket of the Helsinki Final Act, they were mainly considered supplementary elements of the first basket, so-called ‘security dimension’. In this period, the human dimension of the OSCE was basically developed around the human rights and fundamental freedoms, including the rights of persons belonging to national minorities. However, with the end of the Cold War and the collapse of the Soviet Union, the democratic and economic transformation processes of the former socialist regimes in Central and Eastern Europe came to the fore. In this regard, in the post-Cold War era, democracy and democratization efforts started to constitute one of the central pillars of the OSCE’s human dimension along with the human rights. As mentioned above, democracy and human rights are the main foundations of the OSCE’s human dimension and constitute vital elements of the OSCE’s comprehensive concept of security. Democracy constitutes an indispensable component of the OSCE’s human dimension. The OSCE participating States are strongly convinced that “lasting

¹² ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, ‘Factsheet of Office for Democratic Institutions and Human Rights.

security cannot be achieved without respect for human rights and functioning democratic institutions”.¹³ Therefore, the OSCE has developed a wide range of catalogue covering the norms, principles and politically-binding commitments related to human rights and fundamental freedoms, democracy and the rule of law since the Helsinki Final Act in 1975.¹⁴ Particularly, the OSCE performs a wide range of activities aimed at promoting and strengthening democracy within the whole OSCE region. The Organization provides assistance and advice to the participating States in creating democratic societies and accountable state institutions.¹⁵

One of the major human dimension commitments adopted by all the participating States of the OSCE is that “pluralistic democracy based on the rule of law is the only system of government suitable to guarantee human rights effectively”.¹⁶ In the ‘Charter of Paris for a New Europe’ adopted at the 1990 CSCE Paris Summit, the participating States expressed their strong determination to maintain an active and close co-operation with the purpose of “making democratic gains irreversible”.¹⁷ Paris Charter also states that “the participating States undertake to build, consolidate and strengthen democracy as the only system of government of our nations”. Democratic government is based on the will of the people, expressed regularly through free and fair elections. Democracy has as its foundation respect for the human person and the rule of law”.¹⁸ In the 1990 Copenhagen Document, the CSCE participating States acknowledge the necessity of pluralist democratic societies based on free elections and the rule of law in ensuring basic human rights and fundamental freedoms. The CSCE participating States agreed that “full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law” are essential conditions in creating and maintaining long-standing peace, security, stability, justice and cooperation within the whole CSCE region.¹⁹ In the 1991 Moscow Document, the participating States reiterated their strong conviction that “full respect for human rights and fundamental freedoms and the development of societies based on pluralistic democracy and the rule of law are prerequisites for a lasting order of peace, security, justice and co-operation in Europe”.²⁰ In the 1992 CSCE Helsinki Summit Document, the participating States declared their strong commitment “to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, in this regard, to build, strengthen and protect democratic institutions, as well as to promote tolerance throughout society”.²¹ The 1999 Charter for European Security and the 2003 Document of OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century state that “respect for human rights and fundamental freedoms, democracy and the rule of law is at the core of the OSCE’s comprehensive concept of security”. Ensuring respect for basic human rights and fundamental freedoms, creating strong functioning democratic institutions and promoting the rule of law can play a substantial role in preventing and dealing with the existing and newly emerging threats

¹³ ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

¹⁴ ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

¹⁵ ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’ and ---, ‘OSCE, Good governance’, available at <http://www.osce.org/what/good-governance>, Accessed on 15 October 2015.

¹⁶ ---, ‘The Human Dimension of the OSCE: An Introduction’, Experts from the OSCE/ODIHR publication OSCE Human Dimension Commitments. Volume 1. Thematic Compilation 2nd Edition, OSCE/ODIHR, 2005, pp.1-2.

¹⁷ Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.30-31.

¹⁸ ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012

¹⁹ ---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

²⁰ ---, ‘Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE’, 1991, pp.28-29.

²¹ ---, ‘CSCE 1992 Summit, Helsinki, CSCE Helsinki Document 1992 -The Challenges of Change’.

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to security and stability within the whole OSCE region.²² Finally, 2010 Astana Commemorative Declaration states that the human dimension, including the respect for human rights and fundamental freedoms, democracy and the rule of law is an integral part of the OSCE’s comprehensive approach to security.²³

The ODIHR is the key institution of the OSCE’s democratization activities within the framework of human dimension. The ODIHR is tasked to promote democratization and democratic institutions through democracy assistance projects; strengthening the rule of law; and assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance. Democratization Department of the ODIHR has the tasks of providing legislative support; promoting equal participation in political and public life and democratic governance; strengthening the rule of law; and contributing to the facilitation of freedom of movement.²⁴ Democratization Department also aims to create and strengthening democratic institutions and promoting “the inclusion of civil society actors in decision-making processes” within the participating States. Democratization Department assists the participating States in their efforts towards facilitating more responsive, accountable and responsible political authorities. Democratization Department also benefits from the recommendations made by the ODIHR election monitoring missions aimed at facilitating free, fair and democratic elections within the OSCE participating States which in turn contributes to achieving democratic consolidation.²⁵

ELECTION MONITORING ACTIVITIES OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

The OSCE believes that long-lasting stability and peace within the OSCE region can be only achieved through establishing democratic institutions and societies.²⁶ The activities of the OSCE within the framework of its human dimension particularly focus on building, strengthening and protecting democratic institutions within all the participating States.²⁷ Recognizing the importance of spreading democracy within all the participating States and as an integral part of its democratization efforts, the OSCE takes the view that being able to conduct free, fair and democratic elections within the OSCE region is highly important for all the participating States.²⁸ In this regard, the OSCE’s approach is that enabling free, fair, transparent and democratic elections has vital importance in the creation and maintenance of democratic societies and structures and in facilitating effective and legitimate governments within the participating States. Carrying out democratic elections is highly important for the countries in transition process to democracy. Ensuring free and fair elections is generally viewed as one of the most decisive indicators for a country’s political development.²⁹ Therefore, the OSCE has established main norms, principles and commitments related to the conduct of free, fair and democratic elections within the OSCE region.

Over the years, the OSCE has established general norms, principles and commitments in the field of elections as a normative framework. In the 1990 CSCE Paris Summit meeting, the CSCE participating States clearly put forward that “democratic government is based on the will of the people, expressed

²² ---, ‘Organization for Security and Co-operation in Europe Istanbul Summit 1999, Istanbul Document 1999’, Istanbul, 1999 and ---, ‘OSCE Strategy to Address Threats to Security and Stability in the 21st Century’, OSCE Ministerial Council Maastricht 2003, p.1.

²³ ---, ‘Background Paper on Addressing Transnational Threats and Challenges in the OSCE Region: The Human Dimension, OSCE Annual Security Review Conference, Vienna, 26-28 June 2012, p.1.

²⁴ ---, ‘OSCE-ODIHR-Organizational structure’, available at www.osce.org/odihr/43580, Accessed on 10 September 2012.

²⁵ ---, ‘OSCE-ODIHR-Democratization’, available at www.osce.org/odihr/democratization, Accessed on 20 October 2013.

²⁶ Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.117.

²⁷ ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

²⁸ Werner Hoyer, ‘A German view on the OSCE Corfu Process: an opportunity to strengthen cooperative security in Europe’, *Security and Human Rights* 2010 no.2, p.117.

²⁹ Marc Perrin de Brichambaut, ‘The OSCE and the 21st Century’, *Helsinki Monitor: Security and Human Rights* 2007 no.3, p.182.

regularly through free and fair elections”.³⁰The 1990 Copenhagen Document identified the main norms, principles and commitments related to conduct of democratic elections within the OSCE region.³¹The democratic elections-related commitments identified by the Copenhagen Document provide a framework for the ODIHR for its election-related works and activities. Since its adoption in 1990, the Copenhagen Document has kept its relevance as an international text in the field of elections through involving a broad range of commitments with regard to the conduct of free, fair and democratic elections.³²In the 1990 Copenhagen Document, the CSCE participating States articulated that pluralist democratic societies based on free elections and the rule of law are of utmost importance in ensuring basic human rights and fundamental freedoms. In this regard, the participating States are strongly determined to promote “democracy and political pluralism as well as to “build democratic societies based on free elections and the rule of law”.³³In the Copenhagen Document, the CSCE participating States committed to “respect each other’s right freely to choose and develop, in accordance with international human rights standards, their political, social, economic and cultural systems”. Additionally, “each individual has the right guaranteed by international law to participate in free and fair elections”.³⁴In the Copenhagen Document, the participating States famously point out 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 governments”. The participating States also express their commitment to “respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes”.³⁵ With this commitment, the OSCE has become “a prime defender of the right of citizens to participate in governing their own countries”.³⁶

With the Copenhagen Document, recognizing the importance of both domestic and international election observation teams in the national and local electoral processes, the CSCE participating States decided to “invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings”.³⁷ In the Copenhagen Document, the participating States agreed that “elections will be monitored and assessed in terms of specific commitments, as well as in terms of the process of consolidating democratic institutions”.³⁸

The OSCE has adopted norms, principles and commitments in the field of elections with a view to promoting democratic elections within the OSCE region. These commitments cover different aspects of the electoral process: “legal framework: scope and system; equality; impartiality: administration and management; universality: right to vote; candidacies and political parties; election campaign, including financing and media; voting process; results: determination, publication, and implementation; complaints and appeals; domestic and international observation; and finally co-operation and improvement”.³⁹

³⁰ ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012.

³¹---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

³²---, ‘Existing Commitments for Democratic Elections in OSCE Participating States’, OSCE-ODIHR, Warsaw, October 2003, p.7.

³³---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, p.2.

³⁴ --- ‘Existing Commitments for Democratic Elections in OSCE Participating State’s, OSCE-ODIHR, Warsaw, October 2003, p.11-12

³⁵---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, pp.5-6.

³⁶ Frank Evers, Martin Kahl and Wolfgang Zellner, ‘The Culture of Dialogue The OSCE Acquis 30 Years after Helsinki’, *Center for OSCE Research (CORE)*, Vienna, 2005, pp.47-48.

³⁷---, ‘Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE’, 1990, pp.5-6.

³⁸---, ‘Existing Commitments for Democratic Elections in OSCE Participating States, OSCE-ODIHR, Warsaw, October 2003, pp.11-12.

³⁹---, ‘Existing Commitments for Democratic Elections in OSCE Participating States’, OSCE-ODIHR, Warsaw, October 2003, pp.11-12.

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The OSCE is the leading organization in its region in the field of election observation and assistance. The ODIHR works as the specialized permanent institution of the OSCE aimed at promoting democratic elections across the entire OSCE region. The ODIHR engages in promoting democratization and democratic institutions through democracy assistance projects; and in assisting the participating States to conduct free, fair and democratic elections through election monitoring activities and election assistance.⁴⁰ The key unit of the ODIHR in the field of elections is the ‘Elections Department’. As an integral component of the OSCE’s democratization efforts within the participating States, the ODIHR’s Elections Department engages in a wide variety of election-related activities and works within the whole OSCE region.⁴¹ The ODIHR has supported the participating States in their efforts for creating a tradition of free and fair elections since 1990. In this respect, election observation is one of the most effective ways in “establishing a tradition of free elections” for the countries experiencing transition process to democracy. Furthermore, the ODIHR also provides assistance to the participating States in terms of strengthening their compliance with the elections-related norms and commitments adopted within the CSCE/OSCE framework.

From the OSCE’s point of view, monitoring elections plays a constructive role in meeting election-related international standards as well as in complying with the OSCE’s norms and commitments in the field of elections. In this respect, the OSCE participating States are provided with the election observation and monitoring service by the ODIHR as an efficient and valuable instrument aimed at strengthening and promoting free, fair, transparent and democratic election processes. The OSCE’s election monitoring work can be seen as a significant instrument in the promotion of democratic elections through increasing the level of confidence.⁴²

Since 1994, the ODIHR has deployed long-term election observation teams to monitor national and local elections within the OSCE participating States. The ODIHR assess these elections’ compliance with the OSCE commitments on democratic elections and other international standards for democratic elections.⁴³ The ODIHR pursues two basic objectives in all election observation activities: firstly, “to assess electoral processes in accordance with OSCE election-related commitments; and secondly, to offer recommendations, where necessary, to bring electoral processes into line with those commitments”. The ODIHR aims to provide constructive feedback to the participating States instead of commending their performance or simply criticizing their election processes when their election performance is lack of fulfilling the OSCE election-based commitments and other international standards. The ODIHR offers specific recommendations for the participating States to improve further their electoral processes and to eliminate their shortcomings with respect to the elections.⁴⁴

In election observation works, the ODIHR uses a well-developed and comprehensive methodology covering all aspects of an electoral process; “before, during, and after polling day”.⁴⁵ The ODIHR, as a leading and specialized institution in the field of election monitoring in Europe, implements a “systematic, comprehensive and verifiable election observation methodology” in its election observation works. On the basis of its recognition that “an election is more than a one-day event”, the methodology developed by the ODIHR serves as a comprehensive framework including all essential components of a democratic election process. The ODIHR’s comprehensive methodology for its election observation work has been outlined in the ‘Election Observation Handbook’ in detailed. The ODIHR Election Observation Handbook serves as a “reference guide for election observation methodology within the OSCE area and beyond”. The Handbook identifies a broad range of specific areas related to whole electoral process such as “the legal and regulatory framework; the planning, deployment and implementation of an election observation mission; the election campaign, including

⁴⁰---, ‘OSCE ODIHR, Elections’, available at <http://www.osce.org/odihr/elections/115947>, Accessed on 5 November 2013.

⁴¹---, ‘OSCE, Elections’, available at <http://www.osce.org/what/elections>, Accessed on 5 November 2013.

⁴²Audrey F. Glover, ‘The Human Dimension of the OSCE: The ODIHR in Warsaw’, in Wilfried Von Bredow, Thomas Jäger and Gerhard Kümmel (eds), *European Security*, New York: St. Martin’s Press, 1997, pp.173-174.

⁴³---, ‘OSCE ODIHR, Elections’, available at <http://www.osce.org/odihr/elections/115947>, Accessed on 5 November 2013.

⁴⁴---, ‘OSCE-ODIHR-Overview’, available at www.osce.org/odihr/elections/72781, Accessed on 5 November 2013.

⁴⁵---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

the media environment; the registration of voters and candidates; the conduct of election stakeholders and administration; the voting process; the vote count; the tabulation of the results; the announcement of results; the complaints and appeals process; and finally the post-election dispute resolution process”.⁴⁶ The ODIHR has recently started to deploy election assessment missions in more-advanced democracies among the OSCE participating States with the purpose of providing in-depth evaluations on particular subjects of an electoral process.⁴⁷

The election observation missions deployed by the ODIHR have the task of observing the whole electoral process and making assessment regarding the implementation and organization of the elections according to the following fundamental principles: “universality, equality, fairness, secrecy, freedom, transparency, and accountability”. The ODIHR can deploy long-term and short-term election observation missions in the host countries. In a short time after the election day, a joint statement is delivered to public by the ODIHR election observation team and other election monitoring missions from different international organizations. In analyzing and concluding its initial findings on the organization and implementation of the entire electoral process, the ODIHR cooperates and co-ordinates closely with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament. Eventually, a ‘final election report’ including recommendations is prepared and published by the ODIHR. The OSCE participating States have been committed to “follow up promptly the ODIHR’s election assessment and recommendations” since 1999.⁴⁸

Along with the OSCE’s election observation works, the ODIHR Elections Department conducts numerous technical election assistance projects with a view to promoting democratic election processes; strengthening democratic participation in elections and improving the electoral processes within the OSCE participating States.⁴⁹ The election assistance projects include the review of electoral legislation of the participating States; providing recommendations on several specific subjects such as “effective voter registration, exchange of experience with domestic observer networks, and finally overall assistance in the implementation of recommendations made in the final election observation report”.⁵⁰

Today there are serious challenges to the OSCE’s commitments on democratic elections in some participating States. From the OSCE’s point of view, these challenges can be summed up as the followings:

attempts to limit competition of parties and candidates, and ultimately their ideas, which may result in diminished possibilities for voters’ choices; refusal of registration and/or deregistration of candidates in unclear proceedings with the potential to impose disproportionate sanctions for minor violations; misuse of state administrative resources by incumbents; pressure on the electorate to vote in a specific manner; media bias, particularly with regard to state-controlled media, in favor of incumbents; election administrations whose composition is not sufficiently inclusive to ensure confidence; lack of transparency and accountability during the vote count, the tabulation of the vote, and the announcements of results; complaints and appeals procedures that do not always permit a timely effective redress of complaints; perpetuation of a culture

⁴⁶ ---, ‘OSCE-ODIHR-Overview’, available at www.osce.org/odihr/elections/72781, Accessed on 5 November 2013 and HrairBalian, ‘ODIHR’s election work: Good value?’, *Helsinki Monitor* 2005 no.3, pp.169-170.

⁴⁷ ---, ‘OSCE-ODIHR-Overview’, available at www.osce.org/odihr/elections/72781, Accessed on 5 November 2013.

⁴⁸ ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

⁴⁹ ---, ‘Factsheet of the OSCE Office for Democratic Institutions and Human Rights, What is ODIHR?’, 1 February 2009, available at <http://www.osce.org/odihr/elections/13702?download=true>, Accessed on 20 April 2012 and ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

⁵⁰ ---, ‘OSCE-ODIHR-Organizational structure’, available at www.osce.org/odihr/43580, Accessed on 22 June 2013 and ---, ‘Factsheet of Office for Democratic Institutions and Human Rights’.

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of impunity by failing to hold individuals accountable for election-law violations; and finally lack of sufficient will to rectify identified shortcomings.⁵¹

In addition to the shortcomings and weaknesses with regard to the free, fair and democratic elections within the OSCE region, the Russian Federation and some CIS countries have accused the ODIHR of applying double standards and delivering biased assessments of election results. Some CIS members claim that the OSCE through its election observation activities has been interfering in internal affairs and failing to respect the sovereignty of States. Furthermore, the ODIHR has been criticized for “frequently politicizing and failing to take into account the domestic realities and specific features of individual countries”. It is also argued that the ODIHR has made “unwarranted criticism of the domestic political situation” within the participating States. For this reason, critical views call the ODIHR to ensure development and implementation of universal and common standards and criteria in order to comprehensively observe electoral process and publishing unbiased assessment of the election results within the entire OSCE region.

The double standard criticism made against the ODIHR is heavily based on the fact that the ODIHR has carried out its election observation works and activities in the former republics of the Soviet Union and Yugoslavia as well as in the former member countries of the Warsaw Pact. From the OSCE’s point of view, the absence of democratic traditions and strong democratic institutions as well as the lack of civil society in these countries constitute the main rationale behind the ODIHR’s special focus on the ‘east of Vienna’ States. In this respect, the ODIHR has worked to contribute to the consolidation of democracy and the emergence of civil society during the transition periods of these States. The ODIHR has also supported the participating States in their transition periods in the field of election observation and election assistance. In order to respond effectively to the double standard criticism, the ODIHR started to deploy missions in the OSCE participating States having long-established democratic traditions and well-functioning democratic institutions (west of Vienna) with the purpose of providing assessments regarding the particular aspects of the electoral process. Deploying election assessment missions focusing on specific aspects of the election-related issues could be very instrumental in other participating States, facing serious challenges in the field of elections. However, this new policy has a risk of overconsumption of human and financial resources, so that ODIHR could not suffice to function properly in transition countries for its election observation works and election assistance projects.⁵²

CONCLUSION

Since the Helsinki Final Act, the OSCE has successfully integrated human dimension-related issues into the security agenda. The OSCE’s human dimension reflects very well the Organization’s non-military aspects of security functions, covering a broad range of activity fields. The human dimension is an integral part of the OSCE’s comprehensive approach to security along with the politico-military and economic-environmental dimensions. Human rights, fundamental freedoms, democracy and the rule of law constitute vital elements of the OSCE’s human dimension.

The ODIHR has accumulated a remarkable expertise in the area of election monitoring and assistance within the OSCE region since 1991. The ODIHR has established a well-developed and comprehensive methodology for observing elections. The methodology, expertise, best practices, and standards developed by the ODIHR with a view to promoting democratic elections can be also used effectively in the electoral process of other regions outside the OSCE area.⁵³

The ODIHR has been highly criticized in its election-observation works. However, creating and maintaining confidence before, during and after an electoral event is one of the most important factors affecting the whole election process. The ODIHR’s election observation missions in the host countries have contributed substantially to the entire electoral process through “increasing the level of confidence, transparency and credibility particularly in sensitive and highly contested elections”. As a

⁵¹ ---, ‘OSCE-ODIHR, Challenges to OSCE Election Commitments’, available at <http://www.osce.org/odihr/elections/43736>, Accessed on 10 November 2013.

⁵² HrairBalian, ‘ODIHR’s election work: Good value?’, *Helsinki Monitor* 2005 no.3, pp.172-174.

⁵³ Ibid., p.175.

result, the OSCE’s election monitoring works can be seen as a significant instrument in the promotion of democratic elections through increasing the level of confidence.⁵⁴

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⁵⁴Ibid., pp.169-170.

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