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## The Office for Democratic Institutions and Human Rights

The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE has developed into the Organization's Jack-of-all-trades. Since its conception in 1990, the ODIHR has taken up a multitude of tasks, which have brought the Office a long way from where its founding fathers had intended it to be. In Spring 1989 the first Conference on Human Dimension took place in Paris, marking the change in the geopolitical situation in Europe and stressing the universal applicability of the norms and values in the OSCE's (then CSCE's) human dimension. A second such Conference followed in Copenhagen in June 1990 and the third Conference was held in Moscow in the autumn of 1991. These Conferences can be seen as the codification of the human dimension of the OSCE in its post-Cold War form. Since then, the main focus has been on putting into practice what was achieved on these occasions.

### *Human Dimension: From Codification to Direct Action*

Notwithstanding the numerous crises that have faced the international community since the beginning of this decade, the OSCE community stuck to its commitment to foster and further develop its obligations under the human dimension, as it realized that this human dimension remains the corner-stone of lasting peace and security in Europe. It has become increasingly clear in recent years that the time has come for immediate action, in order to apply in practice all previously codified norms and in order to create the necessary preconditions for the further development of these norms. The OSCE has developed from a meeting place for all countries involved in Europe's security and a forum for norm-setting with regard to the relationship between states and the relationship within states between the authorities and citizens, to an operational entity, responsible not only for the further elaboration of norms but, first and foremost, for the implementation of what has been agreed upon by all participating States. This has certainly not always been a smooth or successful process. Broad experience has been gained by trial and error, but temporary setbacks have not led to a stagnation of the process. This has been true not only because the basic will to achieve progress remained present, but also because Europe went from crisis to crisis, not seldom looking at the OSCE as an instrument for crisis management and conflict resolution. In this connection, one could describe the OSCE in recent years as primarily crisis-driven.

*The Role of the Office for Democratic Institutions and Human Rights*

It goes without saying that this situation has had its impact on the role and functioning of the ODIHR. As the primary OSCE institution in the field of the human dimension, the ODIHR was the focal point of participating States' attention whenever action was required. On numerous occasions the ODIHR was asked to respond at a moment's notice to emerging problems in the field of human rights and democracy. These calls never went unanswered, but answering them sometimes occurred at the ODIHR's own expense. To use a metaphor: if a house is on fire, one sends in the fire brigade to put out the fire before starting a discussion about the best procedures for preventing fires from starting in the first place. If one fire after the other erupts, the fire brigade chases after each and every one of them, without being able to think about fire prevention or even about a better way to organize fire fighting. In recent times, this has been very much the case with the OSCE in general and the ODIHR in particular. The Permanent Council (PC) diligently used the ODIHR, its primary instrument in the human dimension, to face one crisis after the other, thus creating a new *modus operandi* which had never been envisaged when the ODIHR was put into place.

The Paris Summit of 1990 established the ODIHR as one of three administrative structures of the OSCE. The Office for Free Elections (OFE) was initially tasked with facilitating contacts and the exchange of information on elections within the States participating in the Conference on Security and Co-operation in Europe. Later the Office, now named ODIHR, received additional responsibilities for a number of activities in the human dimension. It was to serve as an institutional framework for information exchange on available technical assistance, expertise and national and international programmes. Furthermore, it was mandated to organize human dimension seminars and implementation meetings among all participating States on subjects related to the building and revitalization of democratic institutions. Also, it was tasked to be a clearing-house for information on states of public emergency and to maintain relations with other institutions active in the field of democracy-building and human rights, in particular with the Council of Europe. To these priorities were later added: special attention to recently admitted participating States in the programme of co-ordinated support, to the Roma and Sinti, as well as to the problem of aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism.

The basis for all these activities in the field of the human dimension are the mechanisms elaborated in the previously mentioned Conferences on the Human Dimension. However, the OSCE has not dwelled long on this codification, but has rather taken a more pragmatic approach to tackling issues that presented themselves to the Organization.

### *The ODIHR Priorities*

The situation described above pointed in one direction: there was a clear need for the ODIHR to focus on its operational activities. In April 1997 the idea of restructuring the Office was suggested, with a clear list of priorities for its operations in mind.

Three major areas of ODIHR's attention were set: promotion of free and fair elections; democracy-building through the promotion of civil society and democratic institutions; and practical involvement in the monitoring of implementation of OSCE human dimension commitments. Obviously, there were organizational and operational consequences of these priorities. A new organizational structure of the ODIHR, which will be discussed below, was approved by the PC and has since then to a large degree been implemented.

### *Elections - Observation and Technical Assistance*

The importance of free and fair elections cannot be overstressed. Events in recent years have shown that if elections are tampered with, the legitimacy of governments is put into question, and this can be the starting point of serious political turmoil. Doubts about elections can be the first step in an escalation which could eventually lead to armed conflict. This was illustrated quite clearly by events in Albania after the elections in 1996, which could not be considered free and fair, as was reported by ODIHR at the time.

It is quite logical that public attention is focused particularly on the election date itself and the role played by international observers at that time, close to the ballot boxes, where people are casting their votes. Certainly, international observation is an essential element in the holding of free and fair elections, but it should be kept in mind that the holding of the elections is only possible with adequate preparation.

In addition, assistance to a country in holding free and fair elections goes way beyond the mere monitoring of the voters' access to the ballot box on the actual date of the election. The development of ODIHR activities in this field since the early nineties shows a trend towards intensified co-operation with the authorities, offering assistance on matters related also to the preparation and implementation of election results. Moreover, in the aftermath of elections it can be extremely important to develop technical assistance programmes targeted at creating or solidifying the constitutional and administrative framework for future elections. Issues to be tackled include the establishment of a comprehensive voter register and the development of consistent election legislation. For these reasons, the new ODIHR policy is to undertake more projects of technical assistance in the election field. In 1998 these included: assistance in the creation of a civic and voter registration in Albania; providing advice on

election systems, media regulations and voter registration issues in the Federal Republic of Yugoslavia, Republic of Montenegro; review of a draft election law in Armenia.

In addition, in 1998 the ODIHR Election Section launched a big programme of assistance in Central Asia, long ahead of the scheduled elections (1999-2001). During the Central Asia Election Assistance Strategy Meeting organized in February 1998 in Warsaw, the ODIHR was proposed as the regional focal point to centralize and circulate information concerning the programmes of other international organizations in the election field. This meeting was followed by a workshop for senior election administrators of Central Asian states (held in Stockholm in March) organized jointly by the OSCE/ODIHR and the International Institute for Democracy and Electoral Assistance. Among the participants were the chairpersons of the Central Election Commissions of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan - countries which will hold their second presidential and parliamentary elections in 1999-2001. Among the topics discussed were: the role and structure of an election administration; electoral systems; conducting effective and cost efficient elections; voter, candidate and party registration; elections and the international community; and the role of the media.

In this context, it should be pointed out that election monitoring should not be seen as stigmatizing the country concerned as not being up to scratch with its democracy. Election assistance is first and foremost a sign of solidarity and co-operation by the OSCE community with the countries concerned, which are of course part of this community.

Of course the ODIHR continued its election observation activities throughout 1998. The long-term approach adopted by the ODIHR and its standardized methodology gained broad acceptance among the participating States. Progress was achieved also in co-operation and co-ordination between representatives of various international organizations involved in election observation. This was a subject of considerable concern, since in the absence of good co-ordination, the various international organizations ran the risk of contradicting each other when presenting a report on the outcome of elections. This would open the door to the possibility of one being played off against the other. More and more often, the organizations are beginning to issue joint statements after the elections, and elections in Slovakia and Azerbaijan were good examples of such co-operation.

### *Democracy-Building*

The work of the ODIHR in the field of democracy-building has become more focused and concentrates on practical results. Both virtues are reflected in a number of initiatives during 1997 and 1998.

In October 1997, the ODIHR and the government of Uzbekistan signed a Memorandum of Understanding (MOU) in which the parties agreed on a package consisting of several programmes in the field of democratization and human rights and in the field of election preparation. The projects envisaged in this context ranged from support for the National Centre for Human Rights of the Republic of Uzbekistan to co-operation with the Ombudsman of that country. Also, human rights training programmes were foreseen for constitutional court officials, law enforcement agencies and border officials. Furthermore, a series of meetings were planned to help develop co-operation between national human rights institutions, media and NGOs.

The guiding principle of these projects was to implement in a very concrete way the ODIHR's responsibility for assisting countries in transition. The conclusion of the MOU demonstrated clearly that there is a lively interest, not only on the part of the ODIHR but certainly also on the part of the government of Uzbekistan to take concrete steps towards implementing all commitments undertaken in the framework of the OSCE. Thus the ODIHR became more active at the grass root level and was able to make a direct contribution to the building of civil society. This is of particular importance for countries where there is so-far little experience with elements of civil society and a latent tendency, as part of history's heritage, to equate "non-governmental" with "anti-governmental".

A Memorandum of Understanding, such as the one with Uzbekistan, is a clear example of focused approach used in ODIHR's work. Similar MOUs were recently signed with Kazakhstan and Kyrgyzstan, as well as Georgia, Armenia and Azerbaijan. Such Memoranda of Understanding allow the ODIHR to implement projects addressing the needs of individual states, as well as regional ones that could have an impact on the development of the whole region. Thankfully, several OSCE participating States have given generous financial contributions to the ODIHR that will allow for the implementation of a wide variety of projects that could not be carried out otherwise.

The ODIHR is getting more and more involved in Armenia, Azerbaijan and Georgia, taking into account the very specific issues in the field of democracy-building these countries have to face. A delegation led by the ODIHR Director visited Azerbaijan, Georgia and Armenia on 14-28 March 1998. It consisted of representatives of the EU Commission, the UN High Commissioner for Refugees, the Council of Europe, and the OSCE/ODIHR. The aim of the mission was to assess the needs for assistance to the three countries in the human dimension field and to take stock of assistance programmes already provided by the international community, in order to avoid duplication of efforts and to improve co-operation between the international organizations.

In each of the three countries the joint delegation met with top officials in the executive, legislative and judiciary branches of power and had discussions with non-governmental organizations. All members of the delegation de-

scribed as a success this first-ever joint assessment mission by international organizations active in the Caucasus. A joint mission gives the different organizations at an early stage the opportunity to discuss the scope of action to be taken on the spot, and to work out a division of labour based on the availability of each organization's own resources - thereby minimizing the risk of duplication of efforts. A joint mission also sends the message to countries in need of assistance that the international community has mutually reinforcing standards and common goals in the fields of human rights and democratization, which creates a strong deterrent against forum shopping. On the other hand, a joint assessment of this kind increases expectations for concrete and immediate follow-up on behalf of the visited countries as the international community is presenting itself and its capacities jointly.

In conclusion, it is important to note that the ODIHR has been developing tailor-made packages for countries and regions. Such packages of democratization projects involving all or many of the elements described above have been agreed upon in Central Asian and Caucasian states in the form of MOUs. In addition, the ODIHR stands ready to assist the OSCE missions and other OSCE groups in the field.

#### *Monitoring the Implementation of Human Dimension Commitments*

A corner-stone of the implementation of human dimension commitments is the biennial implementation meeting on human dimension issues. This meeting, organized by the ODIHR in Warsaw, takes stock of the state of play in the human dimension in the participating States. Open to representatives of NGOs, the implementation meeting takes a close look at the issues in the field of human rights and fundamental freedoms, including the rights of persons belonging to national minorities, the rule of law and democracy.

After the implementation meeting in November 1997, the ODIHR came up with the suggestion to change the format of the implementation reviews to make them more result-oriented. As a result of a decision taken by the Ministerial Council of Copenhagen in December 1997, an informal discussion on the new format of those meetings has been initiated in the Permanent Council. A decision was reached in July 1998. The new modalities, which included increased activities in Vienna and increased NGO participation, were implemented for the first time during the autumn 1998's Human Dimension Implementation Meeting.

### *Co-operation with Other OSCE Institutions and Missions*

It would not be possible for the ODIHR to perform the above-mentioned functions in isolation from the other organs of the OSCE. On the contrary, close co-operation and joint efforts with all departments of the OSCE Secretariat, the High Commissioner on National Minorities (HCNM), the OSCE Representative on Freedom of the Media and the missions in the field are essential. Projects in the field are often only possible when the ODIHR works closely with the mission in the region.

Joint needs assessment missions have been undertaken by the Chairman-in-Office, the Secretary General, the ODIHR and the OSCE Secretariat, on occasion with the participation of the Office of the HCNM. The ODIHR also attaches great importance to improving the training of OSCE mission members. New ideas are currently being developed within the OSCE Secretariat in Vienna.

### *Co-operation with Other International Organizations*

It goes without saying that the ODIHR does not operate in isolation. It co-operates closely with other international organizations active in the field of the human dimension. As a rule, election observation operations are organized and conducted by a number of international actors, either jointly or in parallel. In this field, ODIHR has gained broad experience in co-operating closely with the OSCE Parliamentary Assembly, the Council of Europe and a number of other organizations. In the future, this co-operation will be continued and, where need be, intensified, in order to assure a maximum of efficiency and effectiveness in election observation. It is of particular importance that the international community, in the field of elections, speaks with one voice and thus sends the same message.

Already today, there is an intensive exchange of information with organizations active in the field of democratization, human rights and institution-building, in order to avoid duplication or the risk of forum shopping. A structural form of co-operation has been established with the Council of Europe and it can be said that both organizations are now working in an interlocking and mutual reinforcing manner.

As far as the development of projects is concerned, the co-operation with other international organizations will be enhanced, so as to achieve synergy and the pooling of (scarce) resources. In this context, the working-level contacts with the European Commission, the Council of Europe, the United Nations and the International Committee of the Red Cross (ICRC) will be intensified. Joint projects are already in the making in Albania, Central Asia, Armenia, Georgia and Azerbaijan.

### *Organizational Implications of the Changes in the ODIHR*

As pointed out earlier, the ODIHR has undertaken the necessary steps to adapt its own structure to the present needs in the field of election monitoring. An enlarged Election Section was created and is headed by a senior and experienced person. It consists of two units, one for election observation and one for training and assistance. The Section has many similarities with a fire brigade: it is ready at a moment's notice to organize election observation or assistance when the need arises. The snap elections in Armenia in spring 1998 testify to the fact that elections cannot always be planned long in advance, so the ODIHR should be able to have structures in place that can respond to such challenges. At the same time, experience can be built up to have programmes for training and assistance on the shelf, so that these can be activated when need be.

Although a number of issues await solution, it is fair to say that the ODIHR today is capable of responding at very short notice to the requirements of an election observation operation. The ODIHR has to rely mostly on seconded personnel to take on monitoring missions, however, continuity and professionalism can be provided in-house.

In an effort to streamline the activities in the human dimension, a distinct section has been created. This allows for better integrated and more coherent project management in the field.

### *Concluding Remarks*

The biggest challenge for the ODIHR in the coming years will be the practical carrying out of its tasks in election assistance and the promotion of the human dimension. The more project-oriented approach this calls for will require a new attitude on the part of both the ODIHR and its officials and also the OSCE community at large. The goal is to turn the ODIHR into a flexible human dimension tool, always at the disposal of the OSCE and its participating States, thus helping the consolidation and reinforcement of the OSCE's human dimension in all its aspects.

If ODIHR is to succeed in this endeavour, it will need the full and constant support of the OSCE community, not only as represented by the governments of the participating States, but certainly also as represented by non-governmental organizations, the media and the public at large.

Starting from this premise, a number of priorities can be identified for ODIHR action in the near future. In the sphere of promoting free and fair elections, the ODIHR will enhance its role in monitoring before, during and after elections, and will endeavour to improve co-ordination between the various organizations active in election monitoring. Instruments to achieve this include the coherent



implementation of the ODIHR observation methodology, enhanced technical assistance, follow-up of recommendations and the training of officials.

In the field of the human dimension and democracy-building, the ODIHR will pay increased attention to target-oriented projects. These will be worked out in close consultation with participating States and other international organizations active in this field. Also, the co-operation with other OSCE institutions and the OSCE missions will be enhanced, both in the identification and the implementation of possible projects. Whenever possible, the ODIHR will enter into more formal agreements with the government of the country concerned - for instance through a Memorandum of Understanding - allowing for the implementation of packages of mutually reinforcing projects.

The implementation of human dimension commitments will continue to receive the ODIHR's full attention. The Office will strengthen its capacities as a centre for information and expertise, at the disposal of the OSCE community at large.