

Report by the Parliamentary Troika on the political situation in Belarus in the light of the parliamentary elections of October 15th

16 October 2000

The Parliamentary Troika, composed of the European Parliament and the Parliamentary Assemblies of the OSCE and the Council of Europe, visited Belarus from 12 – 16 October 2000. This visit took place as part of the continuing endeavours of the three institutions to encourage the development and consolidation of the democratic process in Belarus. The delegation is composed of Mr Adrian Severin, President of the OSCE Parliamentary Assembly, Mr Jan Marinus Wiersma, Chairman of the European Parliament delegation for relations with Belarus and Mr Wolfgang Behrendt, Rapporteur on Belarus of the Council of Europe's Parliamentary Assembly. Other members of the European Parliament and the OSCE Parliamentary Assembly also were part of the delegation.

The Criteria for Free and Democratic Elections

Four criteria were established as benchmarks against which the conduct of these elections were to be judged if they were to be considered as free and democratic, and which would provide the basis for further democratic reform in the country. These criteria were:

- the establishment of a democratic electoral code, guaranteeing full transparency of the electoral process in all respects and in the work and composition of the election commissions at local, district and national level;
- satisfactory procedures for the access of all political parties to the mass media, especially the electronic media;
- the establishment of meaningful powers for the new Parliament; and
- the observance of a 'peace period' for the development of minimum trust and confidence during the run-up to the elections (cessation of political intimidation and threats of court proceedings, no harassment by police and security forces of opposition supporters).

The Mandate of the Third Technical Conference, Vienna

The third Technical Conference of the European Institutions on the parliamentary elections in Belarus, which took place in Vienna on 30 August 2000, concluded that although progress had been made it was still insufficient to meet recognised international principles.

The Parliamentary Troika was invited by the Vienna Technical Conference to continue its consultative and monitoring functions on the occasion of the parliamentary elections and to act as observer in its institutional capacity to the extent which would enable it to formulate an objective assessment of the election process.

The Parliamentary Troika was also asked to evaluate the conduct of the elections and subsequent developments, in particular with regard to the functions of the new parliament, the respect for human rights, and the strengthening of the rule of law.

The Technical Conference was of the opinion that changes to the framework for the parliamentary election justified the creation of a technical assessment mission to be

organised and deployed by ODIHR in close cooperation with the OSCE Advisory and Monitoring Group already present in Belarus.

The presence of the Parliamentary Troika and the ODIHR mission in Belarus on the occasion of the parliamentary elections does not constitute an act of international recognition of the democratic character nor of the outcome of the parliamentary election process. It had already been pointed out on earlier occasions that insufficient progress had been made on the four criteria to recognise these elections to be free and democratic. As a result it was decided not to organise a regular international observation mission.

Findings of the ODIHR Technical Assessment Mission

The Parliamentary Troika took note of the following Technical Assessment Mission findings presented by OSCE/ODIHR.

"The 15 October parliamentary elections process in Belarus failed to meet international standards for democratic elections, including those formulated in the 1990 Copenhagen Document of the OSCE. In particular, these elections fell short of meeting the minimum commitments for free, fair, equal, accountable, and transparent elections. Despite some improvements since previous elections, the process remained flawed.

The OSCE/ODIHR deployed only a Technical Assessment Mission (TAM) for these elections on the basis of the 30 August Technical Conference decision in Vienna. As a result of provisions for early voting, mobile ballot boxes, the vote count and aggregation of results falling far short of minimum transparency requirements for an independent verification, the OSCE/ODIHR declined to deploy observers on election day. Even in the best of circumstances, election-day proceedings could not remedy these fundamental shortcomings.

Other factors contributing to the failure of these elections to meet international standards include:

- The electoral legislation, adopted in early 2000 and amended in June, while improved, still includes substantial and fundamental deficiencies.
- Nonetheless, this law could have been implemented in an inclusive manner to provide a more democratic process, but the following problems were manifest:
 1. The executive apparatus maintained control on election commissions.
 2. Candidate registration procedures were abused to prevent undesirable candidates from participating in the elections, limiting voters' choice.
 3. Campaign activities were regulated excessively, limiting candidate performance.
- Other laws also significantly restricted the fundamental freedoms of expression, assembly and association, and had an intimidatory and constraining effect on the campaign. Of particular concern has been the continuing use of Article 167(3) of the Code on Administrative Offenses to prosecute those who call for a boycott of elections when a similar provision in the Electoral Code was repealed in June. As a result, the authorities' agreement to respect a "period of peace" during the electoral campaign was not fulfilled. On the eve of election-day, Article 167(3) of the Administrative Code was amended, but effective late October. Although, an important measure for future elections, it came too late for 15 October.
- Insufficient respect for the rule of law and due process of law, together with observed instances of the executive interfering with the independence of the judiciary, created an uncertain legal environment characterized by arbitrary implementation of laws.

Consequently, electoral disputes, including those relating to controversial decisions of election commissions, were not resolved satisfactorily.

- Heavily biased State-controlled media dominated the electronic and print sectors, and no effective counterbalance was provided by the independent media. In the end, candidates had very limited access to the media. The provision of five minutes free air time on national television to all candidates on an equal basis, while a positive development over past elections, was not sufficient to inform voters of the choices available and its format was deficient.

These shortcomings remained despite measures undertaken by the authorities during the summer in an attempt to improve the electoral process, including amendments to the new electoral legislation and measures proposed by the President. The most notable improvements over previous elections include:

- The electoral appeals process was opened to the public, thus improving transparency in this area.
- Independent domestic observers worked within an improved regulatory framework, and this promoted the transparency of the electoral process.
- The appointment of representatives from some political parties participating in the election as consultative and non-voting members of the Central Election Commission represented a welcome step towards greater pluralism and transparency.
- The opportunity for some leading opposition figures to continue advocating a boycott without being subject to prosecution, including on the eve of polling, or to take part in the elections as candidates, and their ability to campaign and to criticize the authorities was constructive.
- Another improvement was the revocation of a requirement that political parties must be registered at the regional level in addition to the national in order to field candidates in the constituencies.

The OSCE/ODIHR stands ready to continue the dialogue with the authorities of Belarus with a view to addressing the concerns contained in this statement and forthcoming presidential election.

While the OSCE/ODIHR declined to observe the election-day proceedings, the CEC accredited 194 international observers. The CEC coordination of these international observers' activities, in particular their guided visits to polling stations, compromised the credibility of their findings. Unrelated to the CEC, representatives of the Parliamentary Troika of the OSCE, the Council of Europe and the European Parliament visited Minsk around 15 October to prepare a political assessment."

The full text of the Mission's statement is attached.

The emerging mood for change

On the basis of reports received from independent surveys, from ODIHR and the AMG, as well as on the basis of discussion with the Central Coordination Council and other interlocutors from the government and opposition, the Troika realises that a significant proportion of voters in Belarus want change in political, economic and social terms. It would therefore appear that a large proportion of the population wants to restore the powers of the parliament, to give the political parties access to the state run media and to establish the rule of law, in particular to stop the prosecution of political opponents.

Such trends also appear to exist in the growing support for the market economy, privatisation and the trade union movement, and this constitutes further evidence of the desire for political change in the country, changes which will have to be taken into account by the political structures on both sides. The important role played by domestic observers during these elections, and the development of non-governmental organizations is also a source of satisfaction. At the moment, these emerging trends within civil society are not reflected in the state run mass media which is geared to support the ruling power structure, nor in the strategies of the political forces.

Conclusions of the Parliamentary Troika

Both during this mission and on previous missions the Parliamentary Troika has held meetings and discussed developments with all interested parties to the democratisation process. The Troika welcomes the fact that efforts were made by the authorities to satisfy the democratic demands of the European Institutions, but it considers that insufficient progress was achieved to satisfy the four criteria. It regrets that the Belarus authorities were, in the end, unable to use the window of opportunity offered by the organisation of these parliamentary elections to make satisfactory progress. The Parliamentary Troika also regrets that the Belarusian authorities did not recognise the desire for democratic change expressed by significant parts of the Belarus population.

By the same token, the Parliamentary Troika understands the decisions of those opposition figures who chose to boycott the elections. We respect the courage of those who chose to participate in the elections in spite of the unsatisfactory conditions, and regret that the democratic opposition was unable to remain united. We would urge all true democratic forces to establish a common and credible strategy which offers a real choice to the people of Belarus.

Under such circumstances, the Parliamentary Troika can only recommend, at this stage, that a decision concerning the normalisation of relations with the relevant institutions in Belarus should be taken at a later stage on the basis of progress made on the 'four criteria' including the democratic practices of the parliamentary entity which emerges from this election.

The Parliamentary Troika urges the Belarus authorities to comply with these criteria well in advance of next year's presidential elections and in particular to take immediate steps to establish meaningful powers and competences of the parliament.

The work of the Parliamentary Troika is guided by the conviction that the still existing constitutional controversy can only be overcome by establishing truly pluralistic and democratic institutions in Belarus. In this framework the Troika calls on all political forces in the country to unite in a joint commitment to a meaningful dialogue which will end the internal divisions and the international isolation of the country.

In line with its mandate, the Parliamentary Troika will continue in the future to offer its support, and the support of the institutions it represents, to the strengthening of the democratic process in Belarus that will lead to the normalisation of the country's relations with the Council of Europe, the European Parliament, and the OSCE and will thus increase peace and stability in the whole of Europe.

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