

CHRONICLE

Russian elections cause turmoil

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1. Flawed elections in Russian Federation mobilize protesters

After almost eight years the Russian Federation again allowed the OSCE to dispatch a team of election observers to monitor the parliamentary elections on the 4th of December last year. It was obvious that the Russian authorities were not particularly pleased with the results of the previous election observation missions which could not avoid noticing serious shortcomings in the various elections in Russia. In the past period the Russians imposed so many restrictions on the numbers and activities of election observers that the OSCE could not reasonably accept these conditions. Surprisingly last year the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) managed to get an agreement under which 260 observers were allowed into the country. Although this is less than at previous elections in 2003 and 2004 and much less than the ODIHR had requested, the number went considerably beyond what Moscow has been willing to accept in the past few years.

One may wonder, however, whether the Russian authorities are satisfied with the results of the OSCE's observation mission which again observed serious shortcomings. As ODIHR's head of the observation mission stated diplomatically: 'These elections were like a game in which only some players are allowed on the pitch, and then the field is tilted in favour of one of the players. Although the choice was limited and the competition lacked fairness, voters were able to come out and have their voices heard'. Ambassador Heidi Tagliavini could hardly have said it more diplomatically and at the same time more clearly: the elections were far from fair, but nevertheless they were fair enough to give a clear signal that the people are losing confidence in the ruling elite. The leader of the Communist Party, Gennady Zyuganov, had a similar assessment, as the party leader stated that 'the country has never seen such a dirty election' and described the election results as 'theft on an especially grand scale'. It is interesting to note that Zyuganov's party was a big winner in the election. Both the EU and the US expressed their 'serious concerns' about the reported irregularities in the Russian elections.

The mission observed that 'voting was well organized overall, but that the quality of the process deteriorated considerably during the count, which was characterized by frequent procedural violations and instances of apparent manipulations, including serious indications of ballot box stuffing'.² The observers also noticed the absence of an independent election commission, mass media which were almost all biased in favour of the ruling party and unequal access to the media for the candidates of other parties. There were no reports of hindrances in the work of the OSCE observers. However, the work of the local NGO Golos, which wanted to observe the elections as a national team, became almost impossible after the authorities started a serious harassment campaign against the organization which Putin himself labelled as 'traitors', probably because they accepted foreign funds to finance their activities. The organization was also the target of a cyber attack on election day which made its communications almost impossible. It shows how nervous the leading elite in Russia have become. This was also reflected in the 'security' dimension of the elections: probably never before have so many military and police officers been on duty in order to 'guarantee' the 'orderly' course of the elections.

The elections became a serious disappointment for the ruling party, headed by Prime Minister Putin and President Medvedev who will swap their positions in the presidential elections which are scheduled for March. It simply means that not much will change in the country and the Russian people make it clear that not all of them are enthusiastic about this. The 'United Russia' party acquired about half of the votes, a loss of around 14 per cent, and as a result it also lost its comfortable two-thirds majority in the State Duma.

Although for now, though, the process of 'directed democracy' in Russia seems to have continued, the Russian

2 See <http://www.osce.org/odihr/elections/85753>

people surprisingly stood up to the powers-to-be and in particular the President-hopeful Vladimir Putin by showing up in unprecedented numbers on the streets of Moscow and many other cities all over the vast territory of the Russian Federation. Even the last President of the USSR, Mikhail Gorbachev, joined the protest movement, seriously criticising the abuses during the last parliamentary elections and calling on Putin to step down after three terms in power (twice as President and once as Prime Minister).

In spite of the OSCE's negative assessment of the December parliamentary elections, the OSCE again received permission to monitor the upcoming March presidential elections, when Putin aims to return to the Kremlin as president in a swap with the present President Dmitri Medvedev who is supposed to become the next Prime Minister. However, the number of observers is even lower than during the parliamentary elections, as only about 40 long-term observers have been allowed and another 160 short-term observers. Taking into account the size of Russia, this hardly allows for an effective observation exercise. Although the predictions are that Putin will 'easily' win these elections, much will depend upon the final figures in view of the growing public resistance against him. And much will also depend upon the size and nature of the irregularities that may again occur before and during the elections.

2. The Vilnius Ministerial became a disappointment

The annual meeting of the OSCE Ministerial in the Lithuanian capital Vilnius on 6-7 December last year ended in a great disappointment. Although for years the organization has already been accustomed to a lack of consensus about political declarations or about the 'frozen' or protracted conflicts in the Eurasian area, on this occasion consensus could not even be reached about less controversial issues such as a strategy for police-related activities or combating illicit drugs. Decisions on human dimension-related issues were almost completely lacking on the very thin list of decisions at the end of the meeting. This poor outcome may be directly linked to the fact that the Ministerial took place just days after the parliamentary elections in Russia which the OSCE observation mission assessed as being unfair and flawed. Hillary Clinton, the US Secretary of State, paid a great deal of attention to human dimension problems including the controversial elections for the Russian Duma, and this may have caused the Russian veto against many draft decisions which had been expected to fly through without many problems. It is clear that the worsening Russian-American relations are directly reflected in the poor results of the Vilnius Ministerial.

The short list of decisions includes the decision which tasks the new Irish chairmanship to deal with the Mongolian application to become a fully-fledged participating state. Most likely this will lead to Mongolia joining the OSCE at the next Ministerial in Dublin at the end of this year. This will be an interesting development, as so far only states which are located in Europe or which have a vital interest in Europe (the US, Canada) or which have a historical title (the Central Asian states) have been eligible for full 'membership' of the organization.

Another decision concerned the OSCE chairmanships for 2014 and 2015 which, after a silence procedure, resulted in the appointment of Switzerland for 2014 and Serbia for the year after. Although Serbia had at first opted for 2014, some opposition against this proposal resulted in the compromise of a 'tandem' appointment. It is hoped that the thorny issue of the status of Kosovo will have been solved before that year, as otherwise the OSCE chairmanship will be burdened with an unsolved territorial dispute.

The Ministerial did not adopt decisions relating to the 'Arab spring' in the Middle East and Northern Africa, although it did decide to intensify co-operation with its Partners for Co-operation, although the decision

concerned only listed procedural issues in this context.³ In which way the organization can and will contribute to the reform process in the various Arab Partners for Co-operation remains a completely open issue. Only Afghanistan was singled out among all observer states, as the Ministerial decided to ‘strengthen the OSCE’s engagement with Afghanistan’.⁴ However, the relevant wording of the decision makes it clear that this ‘engagement’ will mainly involve Afghans participating in events in the OSCE area rather than OSCE activities in Afghanistan itself. Some participating States (e.g. Russia) have insurmountable objections against direct OSCE involvement in this Partner for Co-operation.

3. OSCE warns against limiting internet freedom

The OSCE’s Representative on Freedom of the Media (RFM), Dunja Mijatović, has urged the US and EU countries to refrain from adopting legal instruments to restrict internet freedom for the sake of the protection of intellectual property rights. She is therefore joining the global campaign against the adoption of two US draft bills (the Stop Online Piracy Act and the Protect Intellectual Property Act) and the ratification of the Anti-Counterfeiting Trade Agreement (ACTA) by the EU states and institutions. The RFM is joining the global campaign against these restrictive instruments which was highlighted in particular by the fact that the English-language website of Wikipedia was blacked out for one day. She is of the opinion that freedom of expression and the right to privacy are at least as equally important as the interests of rights holders.

Mijatović expressed her opinion in a letter to the President of the European Parliament, Martin Schulz, in the middle of February this year.⁵ ‘In my role as the OSCE Representative on Freedom of the Media, I am mandated to observe media freedom developments in the OSCE participating States and am concerned that the present agreement on ACTA might have a detrimental affect on freedom of expression and a free flow of information in the digital age,’ Mijatović wrote in her letter.

She highlighted a number of concerns, including the fact that ACTA would authorize online service providers to disclose personal information on alleged copyright infringers to rights holders without a court order or the right to appeal, placing the decision on the legal status of content outside the established judicial framework. Furthermore, these provisions would not provide for any guarantees concerning the right to privacy or the free flow of information, she said.

‘I think that it would be helpful to conduct a thorough assessment of the effect the agreement might have on fundamental rights, particularly freedom of expression and the right to privacy in the European Union and beyond,’ Mijatović wrote.

‘International copyright provisions were adopted a century ago, at a time when the first houses in Europe were equipped with electricity, not to speak about broadband. These provisions are not fitted well today to the pace of the digital age we are living in, with the ability to share information across borders,’ she added.

4. Ukraine’s growing isolation

Ukraine, which is slated to become the OSCE’s Chairman-in-Office for the next year, finds itself in increasing international isolation due to its increasing authoritarianism within the country which is reflected in particular

3 <http://www.osce.org/mc/86080>

4 Idem.

5 <http://www.osce.org/fom/88154>.

in the highly controversial imprisonment of the former Prime Minister Yulia Tymoshenko. The international isolation is reflected in particular in the EU's refusal to initial the new Association Agreement at the EU Ukraine summit meeting in Kiev in December last year. As the EU President Herman van Rompuy explained, progress 'will depend on political circumstances'. He further stated: 'The perceived deterioration of the quality of democracy and rule of law in Ukraine has a direct impact in our Member-States, in our public at large, and in the European Parliament. Our strong concern is primarily related to the risks of politically-motivated justice in Ukraine. The Tymoshenko trial is the most striking example.'⁶

Yulia Tymoshenko was sentenced to seven years imprisonment in October last year, which led to widespread Western condemnation, including by the then OSCE Chairman-in-Office. In order to make things worse, immediately after her first sentence she was charged with further 'crimes' and the number have since grown to ten. A planned visit by the Ukrainian president Yanukovich to the EU in Brussels in October was cancelled by the EU as a sign of protest against the politically motivated charges.


In spite of all the international condemnation, Yanukovich seems not to be willing to relent in any way, probably in order to keep his main political opponent 'off the streets' for a long time, as she might constitute a major challenge to him in new elections. Moreover, the Tymoshenko case is only one of the cases against the political opposition, as many other opposition politicians have disappeared behind bars on the basis of what observers call politically motivated charges. The situation is forming a sad precedent in the sense that never before have the Ukrainian authorities prosecuted the previous political leadership.

The situation will become more critical this year, as the European Court of Human Rights in Strasbourg is expected to rule on the Tymoshenko case and it might order Ukraine to release her from prison. If this binding order would not be followed, Ukraine would further isolate itself from the international community. Moreover, calls are growing for sanctions against Ukrainian leaders, in particular from the side of international non-governmental organizations.⁷

What this all means for the forthcoming Ukrainian chairmanship of the OSCE can only be guessed at. Although it is the topic of the day in the corridors of the OSCE meeting places, officially the organization remains largely silent, of course. Nevertheless, in view of the fact that the chairmanship of the OSCE is politically of much greater importance than in other international organizations because of the OSCE's weak administrative structures, it is obvious that concerns within the OSCE community are growing. It is also conspicuous that the Ukrainian authorities seem to be very aloof in their preparations for the chairmanship with only limited activities being visible. This is very different from other chairmanships (such as Kazakhstan's in 2010) which started to extensively prepare for this heavy task well in advance.

6 http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/127053.pdf

7 See, e.g., http://ecfr.eu/content/entry/ukraine_after_the_tymoshenko_verdict



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Security and Human Rights (formerly Helsinki Monitor) is a journal devoted to issues inspired by the work and principles of the Organization for Security and Cooperation in Europe (OSCE). It looks at the challenge of building security through cooperation across the northern hemisphere, from Vancouver to Vladivostok, as well as how this experience can be applied to other parts of the world. It aims to stimulate thinking on the question of protecting and promoting human rights in a world faced with serious threats to security.

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