Helsinki’s counterintuitive effect? OSCE/ODIHR’s election observation missions and solidification of virtual democracy in post-communist Central Asia: the case of Tajikistan, 2000–2013

Payam Foroughi and Uguloy Mukhtorov

ABSTRACT
Since the late 1990s, the post-communist states of Central Asia, as ‘participating States’ of the Organization for Security and Cooperation in Europe, have been regularly persuaded by the organization to invite its Office for Democratic Institutions and Human Rights to monitor their national parliamentary and presidential elections. The OSCE/ODIHR’s objectives have been to assist the Central Asian participating states in holding free and fair elections and aid in a presumed ongoing post-communist democratization process. We argue that contrary to OSCE’s assumptions, repeated OSCE/ODIHR election observations of Central Asian states with histories of fraudulent elections (as demonstrated by the case study of Tajikistan during 2000–2013) have not contributed to the flourishing of democracy and political pluralism, but rather inadvertently aided in the solidification of authoritarianism and ‘virtual democracy’ – a phenomenon we refer to as ‘Helsinki’s counterintuitive effect’. Using stakeholder interviews, we test four hypotheses in support of this general proposition.

KEYWORDS
Democracy; election observations; Helsinki Final Act; OSCE/ODIHR; post-communism; Tajikistan

After the collapse of the Soviet Union in 1991, the five newly independent Central Asian states joined a variety of international organizations (IOs), treaties and conventions. Among the many IOs they joined is the Organization for Security and Cooperation in Europe (OSCE), of which the Soviet Union was a founding member. The 1975 Helsinki Final Act, which was the key document of the Conference for Security and Cooperation in Europe (CSCE) and which ultimately led to the formation of the OSCE, had put in effect in its Article 7 ‘a formal linkage between security and human rights’. This was characterized as signalling ‘a significant breakthrough in the era of détente’ (Lewis 2012, 1221). The Helsinki Final Act, itself, makes no reference to the concept of ‘democracy’ or ‘elections’. Instead, Article 8 of the document asserts that based on the ‘principle of equal rights and self-determination …, all peoples always have the right, in full freedom, to determine, when and as they wish, their … political status, without external interference’
Indeed, after the signing of the Helsinki Final Act and in the last 15 years of the Cold War, the CSCE’s main role came to be not the promotion of democracy, but ‘managing the status quo’ of a divided USSR- and US-led international system (Zellner 2005, 10).

Just around the end of the Cold War, however, the CSCE heads of states and governments signed the 1990 Paris Charter, wherein they stated: ‘We undertake to build, consolidate and strengthen democracy as the only system of government of our nations’ (CSCE 1990). In the post–Cold War era, therefore, given its evolving normative acquis, the CSCE (and since 1995, OSCE), came to see itself as an ‘agent of peaceful change in the transition from authoritarian to democratic rule’ (Zellner 2005, 10). As part of that vision, the OSCE participating States (pS) have reiterated, at least formally, their commitment to ‘clear standards’, including the holding of free and fair elections. In line with this norm, post-communist Central Asian governments, like other OSCE pS, have agreed to the expectation and moral commitment to ‘invite observers to [their] elections from other participating States, the [OSCE’s Warsaw-based Office for Democratic Institutions and Human Rights (hereafter OSCE/ODIHR)], the OSCE Parliamentary Assembly and appropriate institutions and organizations that wish to observe [their] election proceedings’. Moreover, the pS have vowed to ‘follow up promptly’ on OSCE/ODIHR’s ‘election assessment and recommendations’ (OSCE 1999), as otherwise, according to OSCE/ODIHR, ‘lack of implementation of… ODIHR recommendations by a participating State might render the establishment of an ODIHR activity meaningless’ (2010, 27).

OSCE/ODIHR’s election observations in Central Asia commenced with Kyrgyzstan’s 1998 constitutional referendum (Dorenwendt 1999), and since then the organization has become the key institution for election observation in the region, with election observation assistance being the most ‘visible’ programme of the OSCE (Bader 2011, 9). During a quarter-century of independence, however, besides the post-2010 elections in Kyrgyzstan, Central Asian states have not held free and fair elections in line with international standards. This is despite numerous episodes of presence and support of OSCE/ODIHR’s election observation missions (EOMs) in the region. According to Andreas Schedler, ‘electoral authoritarian regimes play the game of multiparty elections by holding regular elections’ (2006, 3) with results that are, for all practical purposes, more than predictable. Part of the reason for this may be that post-communist Central Asia has no prior experience with nationhood and democracy and since independence much of the region has consolidated itself into hard, authoritarian forms of government. According to the New York–based NGO Freedom House, which tracks the progress of 29 post-communist states on a variety of democracy indicators, the overall democracy scores in 2014 for Central Asian states – aside from the outlier case of Kyrgyzstan – continued their steady downward trend (Freedom House 2014).

Scholars such as Alexander Warkotsch (2007) argue that liberal norm socialization can be explained through rationalist material cost–benefit analysis and that such liberal socialization is potentially triggered by ‘external incentives’. Liberal norm socialization can also be explained via the constructivist approach of ‘social learning’ in the way of perceived ‘legitimacy and domestic resonance’ (829). David Lewis (2012, 1223) argues, however, that ‘the overall record of the OSCE in the region as a promoter of “comprehensive security”, inculcating ideas of democratic political order and human rights’, has been ‘a failure’. When it comes to the liberal democratic norms associated with the OSCE, one reason for failure may be the insufficiency of ‘tangible material incentives’, while the region’s
excessively ‘traditional values and institutions’ and its ruling elites’ view of the OSCE as a threat to their power makes liberal norms largely intangible for the majority of inhabitants and rulers, thus making norm socialization nearly impossible (Warkotsch 2007, 844). For Central Asia on the whole, Warkotsch argues, both the rationalist and constructivist approaches signal a ‘bleak’ picture of difficulty in uptake of international liberal norms, given the region’s ‘autochthon culture and institutions’ (829).

Wilson (2005), in turn, claims that many of the post-communist states have maintained and solidified a ‘virtual’ democracy since the breakup of the Soviet Union and that the many election observations in the post-communist era have not altered this predicament. Some also argue that OSCE/ODIHR is wasting its time and (mostly) Western taxpayer funds and resources by observing what are in reality fake elections, especially given that its recommendations throughout the years have not been taken into consideration by many of the states in the region whose elections it monitors (Bader 2011; Foroughi 2012a). Central Asian states, it is argued, are also using the very presence of OSCE/ODIHR and its monitors as a form of propaganda to convince their mostly Western critics that they are interested in and making steady progress in democracy and political pluralism through their apparent close cooperation with and openness to the presence of OSCE/ODIHR EOMs (Foroughi 2012a).

This case study of Tajikistan’s national elections and OSCE/ODIHR’s election monitoring in 2000–2013 attempts to determine whether OSCE/ODIHR’s EOMs in post-communist Central Asia have contributed positively or negatively to democratization in the region. This question is answered through the examination of four relevant hypotheses, concerning: (1) Helsinki’s counterintuitive effect; (2) the realpolitik of the ‘war on terror’; (3) the self-interested nature or raison d’être of OSCE/ODIHR; and (4) instrumental use of OSCE/ODIHR by Central Asian regimes. But before addressing the said hypotheses, a short background on Tajikistan’s politics is in place.

**Politics of post-communist Tajikistan**

Of the five post-Soviet Central Asian states, only Tajikistan went through a civil war (1992–1997). Given the apparent will for reconciliation on both sides of the conflict, the June 1997 peace accord signed in Moscow between the armed Islamist-led opposition and the ‘neo-Soviet’ (Atkin 1997, 278) government of Tajikistan has been referred to as a unique achievement in the history of peace-making in the region (BBC 2012). It gradually became clear, however, that the promises entailed by the peace accord would be forgotten by the ruling regime headed by President Emomali Rahmon, with the ensuing post-conflict era thus referred to as a ‘virtual peace’ (Heathershaw 2009b, 1315). Indeed, despite initial hopes, the peace accord has not brought the country closer to a ‘politically pluralistic society’ and ‘democratic form of governance’ (Foroughi 2012a, 108).

Tajikistan represents itself as a multi-party system, while in practice it is far from this. As of mid-2015, eight political parties – including the Islamic Revival Party (IRP), which has since been banned – legally operated in the country. Those could be divided into two groups: the real parties, including the ruling People’s Democratic Party (PDP) and its challengers, the IRP, the Social Democratic Party (SDP) and to a lesser extent the Communist Party; and four ‘pseudo’ or ‘phantom’ parties (Wilson 2005, 33), suspected of having been created or wilfully encouraged by the government to maintain an atmosphere of political
pluralism. The overwhelming dominance of the ruling PDP, in addition to the existence of other real and phantom parties, makes Tajikistan’s politics one of ‘competitive authoritarianism’ (Levitsky and Way 2006a, 202).

The PDP is led by the incumbent president, Rahmon. Nearly all public servants are members of this party. The Communist Party, the oldest party in the country, lost its dominant position after the civil war. Prior to the March 2015 election, the Communist Party had two seats in Parliament, but had already become an invisible party, its voice not fully heard or raised in the legislation process, its ageing membership fast dwindling (Foroughi 2012b). The SDP, in turn, though having the support of a good number of lawyers and intellectuals, has nevertheless lacked a popular base. It had indeed been the IRP which was considered the main counterweight to the ruling party. Like the Communist Party, the IRP had two seats in the Parliament until the March 2015 elections.

Despite the government’s animus towards the Islamists, it was still a surprise that the results of the March 2015 parliamentary elections showed that the IRP (but also the Communists and the Social Democrats) had failed to reach 5% of total votes and thus were ineligible to hold any seats in the new Parliament. (It is reasonable to assume that in a free vote, the IRP would have gained as much as 20–25% of all votes.) The political situation deteriorated in September 2015, when the government accused IRP officials of having colluded with those responsible for deadly clashes around Dushanbe, Tajikistan’s capital; a key figure, Deputy Defence Minister Abduhalim Nazarzoda, was a former IRP member. Soon after, the authorities banned the IRP, labelled it a terrorist organization, and began to detain tens of its leaders, sentencing them to long prison terms on what human rights organizations have referred to as ‘fabricated’ charges and a ‘travesty of justice’ (HRW 2016). Overall in Tajikistan, potential opposition parties with sufficient capital and resources to go against the resourceful ruling PDP are not allowed to flourish. A vivid example is the unregistered New Tajikistan Party and its leader, Zaid Saidov, a successful businessman and former industry minister under Rahmon. In May 2013, a few weeks after announcing the imminent formation of the New Tajikistan Party, Saidov was arrested by the anti-corruption agency, charged with a variety of offences including embezzlement, bribery, polygamy and rape, and eventually tried, convicted and sentenced to 26 years in prison (Parshin 2013).

Despite government intimidation, in summer 2013 the SDP, IRP and several civil society personalities established a coalition, the Union of Reformist Forces of Tajikistan, and proposed a joint candidate, Oynihol Bobonazarova, a respected human rights lawyer, for the presidential election of November 2013, to run against the incumbent Rahmon. Bobonazarova’s candidacy, however, did not succeed, largely due to internal disagreements and lack of unity among the opposition, but also because of government pressures. In the end, Bobonazarova barely failed to collect the 205,000 pre-election nomination signatures required by Tajikistan’s Central Commission for Elections and Referenda (CCER) and was consequently declared ineligible to run as a candidate. The 2013 presidential election thus turned out to be yet another virtual event, with four largely phantom candidates running against the incumbent, Rahmon, whom the government claimed won 84% of the votes.

In its final report on the November 2013 presidential election, OSCE/ODIHR declared that the vote lacked ‘genuine choice and meaningful pluralism’. It also noted: ‘Extensive positive state-media coverage of the official activities of the incumbent President provided him with a significant advantage.’ And though OSCE/ODIHR (2014) praised the
government-controlled CCER as having taken ‘measures to enhance the transparency and efficiency of the administration of elections’, it also told of ‘significant shortcomings … on election day, including widespread proxy voting, group voting, and indications of ballot box stuffing’ (1). The March 2015 parliamentary elections were as problematic, if not more, especially given that the key opposition party, the IRP, which in the past had ‘won’ (or was ‘assigned’) a mere 2 seats in the 63-seat lower house, was now declared ineligible to hold any seats at all after its supposed failure to obtain 5% of the popular vote.

Given the above scenario, it is not difficult to posit that despite years of repeated election monitoring by the OSCE and others, Tajikistan’s electoral system has continued in an undemocratic and autocratic direction, with practically no room for opposition voices. The 2013 and 2015 elections and the steady extinction of opposition voices, along with corresponding joint large-scale OSCE/ODIHR and European Parliament election monitoring missions, fall into the thesis of this study that repeated election observations by the OSCE/ODIHR of post-communist authoritarian states often lead to or are associated and correlated with not an increase, but a reduction, in democracy and pluralism. Below, we detail four hypotheses in support of this proposition.

Hypothesis 1: Helsinki’s counterintuitive effect

External democracy promoters in Central Asia are primarily from the Western world in many of the international and regional organizations, including the OSCE. The involvement of democracy promoters in Central Asia has been far less effective than in post-communist Eastern Europe – excluding the outlier case of post-2010 Kyrgyzstan.¹ A key reason for the success of democracy promotion in Eastern Europe, as opposed to Central Asia, may be due to what Judith Kelley (2012, 211) argues are the tangible incentives provided by the international community to ‘domestic actors’, such as the incentive to join the European Union (EU) in the case of the post-communist European states.

All the Central Asian states host OSCE missions, have formally agreed to the principles enshrined in the 1975 Helsinki Final Act, and since 1991 have signed numerous additional documents stipulating commitments to fulfilling the organization’s many liberal values. For instance, the OSCE’s 1999 Istanbul Summit obligates all PS to conduct free and fair elections, to be open to inviting observers of national elections, and afterwards to consider implementing the OSCE/ODIHR’s recommendations. The first hypothesis of this study argues, however, that the repeated assistance of OSCE/ODIHR has become counterproductive, not leading to deepening democratization and political pluralism, but instead correlating with a period of deepening authoritarianism, a phenomenon we label ‘Helsinki’s counterintuitive effect’:

H₁: Repeated OSCE/ODIHR election observations in post-communist Central Asian states with histories of fraudulent elections have not contributed to flourishing of democracy and political pluralism, but instead have inadvertently contributed to the consolidation of virtual democracy.

In contrast to other Central Asian states, Tajikistan’s post-communist transition has been complicated due to its post-independence civil war and lengthy ongoing economic rehabilitation. By opening its mission in Tajikistan in 1994, the OSCE, in line with some other international entities, put its efforts into the country’s post-Soviet transition and at one point declared itself a ‘guarantor’ of Tajikistan’s peace agreement through its role
in the country’s post-conflict rehabilitation (ICG 2002, 3). Indeed, in contrast to today, the OSCE mission in Tajikistan (formally known as the OSCE Office in Tajikistan) had initially been far more actively involved in support of an assumed democratization process in the country, including the addressing of human rights violations (HRW 2001).

A member of Tajikistan’s SDP argues the same: ‘In the first phase [of OSCE’s presence in Tajikistan], starting in the 1990s up until 2001–2002, the organization’s efforts were more effective and visible [as compared to today].’ This study also claims that partly due to the 9/11 effect and the associated realpolitik of the ‘war on terror’, the OSCE’s effectiveness in Central Asia, including Tajikistan, gradually shifted to the maintaining of political stability and promotion of hard security rather than a clear-cut push towards democratization, including the promotion of human rights and political pluralism.

Tajikistan’s 2000 parliamentary election, with participation of OSCE/ODIHR monitors, was a last concluding step in the ‘transitional process’ as stipulated in the peace accord (HRW 2000). That election, though not in accordance with international standards, was nonetheless considered a positive ‘gesture’ towards ‘multiparty politics’, a step which encouraged democracy-promoters to applaud Tajikistan’s steps towards political pluralism (Heathershaw 2009a, 89). Five years later, however, it was becoming clear to many that political pluralism had failed to establish itself in the country. And with another parliamentary election in 2005, despite many political and procedural flaws, the OSCE/ODIHR only mildly criticized the election.

What appears to have taken place since is not pluralistic politics but a mere ‘simulation’ of democratization through multiparty elections and the symbolic presence (until mid-2015, at least) of an arch-rival opposition in the IRP. The IRP’s presence had been a key argument by the government to present itself as democratic, and the international community appears to have believed or had the confidence that Tajikistan remains on some sort of democratization path. OSCE/ODIHR’s reports have to some extent accentuated this point. The results of the elections illustrate, however, that year after year, the promise of democracy in Tajikistan has become more elusive, especially given the muzzling and persecution of opposition voices and the general and widespread practice of vote-rigging, leading to the conclusion that the country is only faking democracy and democratic values.

Since 2000, OSCE/ODIHR has had repeated election monitoring missions in Tajikistan, with ensuing recommendations in favour of transparency and electoral reform, and yet few of its recommendations, aside from some secondary or tertiary ones, have been implemented by the government. OSCE/ODIHR’s 2013 EOM head, Ambassador Pariskiva Badesku, admitted to this lack of progress in democratization in Tajikistan (Asia Plus 2013), and this point has also been echoed by opposition parties, who have criticized the OSCE for not being persistent in its position with the authorities to implement electoral reform. In 2013, for example, a prominent IRP member blamed the OSCE for contributing to the democratic misfortunes of Tajikistan:

In all troubles regarding unfair, undemocratic elections brought by the current government over the Tajik population, there is a contribution of the OSCE and other entities who have presented themselves as advocates of democracy; they should share this fault together. The president of the country and the head of the CCER are used to promising fair elections, but elections in the country are in fact worsening year by year. Since 1994, we have not practiced fair, free, and democratic elections. Though the incumbent president has claimed that the
government of Tajikistan has prepared all necessary conditions for operation of political parties, in practice we see a narrow spectrum, and the place for opposition parties reminds us of a ‘mined zone’. … The upcoming 2013 election is the test for the OSCE and democracy-promoting countries. At present, there is little belief in such organizations, and if this year they [the OSCE] continue in this manner yet again, and after the election [merely] announce that the election was unfair and undemocratic, then the limit of our belief in them will have ended.4

Most of the analysts interviewed for this study remarked that the OSCE/ODIHR’s observation missions have been well organized, but generally ineffective and even counter-productive. A prominent Tajik political analyst believes that the election observations overall have a ‘direct influence’ on Tajikistan’s politics in that, in theory, they are to compel the government to take into account the OSCE/ODIHR’s recommendations and follow a democratic framework, given the country’s avowed commitments as an OSCE member. And yet, in reality, such a thing has not happened.5

Some reasons behind the Helsinki counterintuitive effect

There are several reasons behind the limited effectiveness of the OSCE/ODIHR EOMs. Among other things, in contrast to Central Europe, where ‘no alternative regional power’ to the EU and the US existed in the post–Cold War era, Central Asia has been influenced by an autocratic Russian Federation, and to a lesser extent by China (Levitsky and Way 2006b, 383). In turn, the repeated criticism of the OSCE by Russia with regard to its alleged condoning of ‘colour revolutions’ and supposed double standards used against post-Soviet countries partially explain Tajikistan’s indifference to OSCE/ODIHR’s recommendations in favour of democratization and electoral reform. On this issue, the SDP member interviewed says:

Before, Tajikistan was very cautious with international organizations and even used to demonstrate its embarrassment regarding irregularities during elections. However, when Russia began to criticize and blame OSCE/ODIHR for being biased towards post-communist countries and for intervention into the domestic affairs of states, Central Asian states, including Tajikistan, became more daring, and began to show indifference towards ODIHR’s recommendations.6

In contrast to the OSCE/ODIHR, observers from the Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization (SCO) have always assessed Tajikistan’s elections as free and fair. Tajik authorities cite these positive assessments and defend themselves using the CIS and SCO results. As an employee of the Centre for Strategic Studies under the President of the Republic Tajikistan asked rhetorically: ‘Why do the missions of two respected organizations as the CIS and SCO announce that the elections of Tajikistan are free and fair, while only OSCE/ODIHR provides negative evaluations? How come?’ The same individual considers the OSCE/ODIHR’s work ‘futile’, if anything, because OSCE/ODIHR’s observers are incapable of understanding Tajik culture and mentality:

They want to impose their own democratic standards on us, which are unacceptable to Tajikistan, and thus their work has been futile. We’ve tried to explain to them our condition, but they do not understand. … If you [OSCE/ODIHR] want to see democracy, please provide us with the right conditions. They pressure us, instead of providing assistance, thus we will not accept them, and their recommendations are not legally binding on us [anyway]. … We know what democracy is [and do not need outsiders to remind us of it].7
As compared to the CIS and SCO observations, however, most analysts, including local experts, praise the OSCE/ODIHR for its ‘better observation mechanisms’ and ‘far deeper analysis’. However, it is also said that for the OSCE and its institutions, security in the region, as opposed to democratization, has taken top priority. And the presence of these symbolic observers (CIS and SCO) alongside the OSCE/ODIHR has negatively impacted the work of the latter. According to the SDP member interviewed: ‘Previously, the OSCE/ODIHR was a prestigious body, which monitored [Tajikistan’s] elections, and their results did matter for the government; however, when the CIS and SCO came and provided different results, this effectiveness was undermined.’

The delay between each OSCE/ODIHR EOM and the lack of timely and sufficient follow-up on the implementation of previous recommendations is another factor making the institution’s work seem ineffective, argues Ismoil Talbakov, deputy chairman of the Communist Party. A renowned local journalist, in turn, argues that OSCE/ODIHR’s reports mostly draw attention to technical aspects and their recommendations normally find their way to the government and the public too late in the process, when the debate over fraudulent elections has ended, while the authorities as well can use this tardiness as a pretext for not reforming the electoral system. Moreover, since the OSCE/ODIHR EOM opens its office in Tajikistan for only a short period ahead of any given election, there is no consistency on its part to lobby for the implementation of its recommendations, according to the anonymous local political analyst cited above. ‘They come and they go’, says the local analyst. A local journalist commented in turn that the OSCE only supports political parties on the eve of each election, while afterwards it continues its close collaboration primarily with the government, regardless of the outcome of the election. ‘Such consistent and strong ties between the OSCE and the regime’, claims the journalist, ‘despite the latter’s vagary, has spoiled the government and hindered democratization [in Tajikistan].’

The detachment of the OSCE field operations from OSCE/ODIHR’s EOMs works against efficiency and follow-up on what should in effect be a joint effort of advocacy of electoral reform and political pluralism by structures of the same organization. The mandates of the said entities (the OSCE field mission and OSCE/ODIHR) vary, and both have become used to operating their own particular projects independently with host states.

Some secondary and tertiary OSCE/ODIHR recommendations have been implemented by Tajikistan, such as the use of transparent boxes in polling stations, filling out the protocols (or polling station vote counts) in pen rather than pencil, and conducting training for employees of the CCER. However, the principal recommendations, such as the participation of nonpartisan observers during the elections, and the presence of political party representatives in precinct election commissions, among other suggestions considered critical for free and fair elections, remain unfulfilled. The implementation of negligible recommendations appears to be a ruse to demonstrate commitment and eagerness by the government to work with the OSCE.

One of our interlocutors argued that H₁ is unfair and overlooks the contribution of the OSCE/ODIHR in the enhancement of the electoral process in Tajikistan, given that OSCE/ODIHR’s reports are in the end critical and the analysis is in depth. That said, according to IRP leader Kabiri, the key reasons behind the ineffectiveness of the OSCE/ODIHR’s EOMs are the ‘lack of political will’ of the government and the lack of conformity of Tajikistan’s
electoral laws with international standards, a condition upon which international observers have little influence (Ozodagon 2013).

Several interviewees also argued that given that the OSCE is a consensus-based organization, with its activities tightly dependent on its 57 pS, arriving at a common understanding on critical subjects is not easy. An OSCE expatriate mission member in Tajikistan noted that the consensus issue, combined with the annual debates and votes on institutional budgets, forces OSCE/ODIHR to seek to ‘please’ all pS, but that despite such constraints, the OSCE ‘is doing an extremely good job [of] balancing financial leverage of pS and producing reports which are more or less useful’.17 On this, a political analyst interviewed says:

There is criticism about the conduct of the [OSCE] given that it gives priority to security rather than democratization. This fact could partially be justified by the fact that this entity is not fully independent and is composed of [57] member states. The kernel of the organization is countries such as Germany, France and others who have their own geopolitical interests.18

For many years now, the OSCE has been silent on human rights violations and government pressure on political parties in Tajikistan. According to the same political analyst, these problems have not been assessed genuinely by the OSCE as an entity which works in three dimensions, including politics and human rights, and which should measure how commitments of the Helsinki Final Act are working in individual pSs. Thus, when serious rights violations occur yet elicit little reaction on the part of the OSCE mission, the government of Tajikistan understands that there are few penalties from such violations for its long-term dealings with the OSCE. Under such a scenario, the government can repeat previous violations, with little incentive to reform.19

Hypothesis 2: realpolitik of the ‘war on terror’

The above analysis implied that, through the case study of Tajikistan, in post-communist Central Asia there has been a tendency towards virtual democracy. We argue therefore that, to a large extent, the presence of OSCE/ODIHR EOMs has inadvertently produced a counterintuitive effect on the whole region (save the outlier case of Kyrgyzstan). Hypothesis 2 deals with the reasons behind this counterintuitive effect.

H2: The reasons for the counterintuitive effects of OSCE/ODIHR’s election observations and OSCE’s relatively mild and uncritical approach to post-communist Central Asian states are found in the realpolitik objectives of influential EU and North American OSCE pS (chiefly the US), which have viewed Central Asia primarily as: (1) a buffer zone against terrorism, extremism and drug trafficking emanating from Afghanistan; (2) a logistical territory to assist the US- and NATO-led war in Afghanistan; and (3) a venue where the presence of OSCE/ODIHR is associated with continued engagement with the region’s leadership, primarily to achieve the said realpolitik objectives, while democratization, human rights and free and fair elections, at worst, remain at the level of rhetoric or, at best, are considered secondary or tertiary objectives.

According to Klavdija Cernilogar (2005, 39),

the acceptance or refusal of the invitation to observe elections puts the first mark of (il)legitimacy on an election. A decision (not) to observe an election often sends a stronger message about the expected legitimacy than the subsequent evaluation can confirm.

In 1994, for example, despite the Tajik government’s request, OSCE/ODIHR refused to monitor the country’s presidential election because ‘conditions for relatively free voting
could not be met … due to the absence of the opposition and an obvious lack of cooperation from the government’ (Roy 1995, 314). Since then, however, the presence of a largely virtual opposition and the government’s concern to maintain an image of cooperation with the international community have made a significant difference in OSCE/ODIHR’s readiness to monitor Tajikistan’s elections.

Steven Levitsky and Lucan Way (2006a, 201), in turn, argue that regions with economic or security significance for the West are ‘less vulnerable for external democratising pressures and demands for political reform are rare’. Likewise, the ‘geostrategic importance’ of Central Asia due to threats emanating from Afghanistan, the ongoing ‘global war on terror’, and the region’s logistical support for the US- and NATO-led war in Afghanistan has resulted in the Western OSCE pS, with their political, ‘numerical and financial’ dominance, maintaining close relations with the region’s mostly authoritarian leaders (Lewis 2012, 1220).

Easterly (2014) argues that Western foreign aid allocated for promotion of democracy and freedom has been misused by autocratically governed Tajikistan. Despite this, foreign aid from Western states continues to flow. US aid to Tajikistan exceeds US$ 1 billion since 1992, and since 9/11 such aid has increasingly been geared towards security rather than democratization and human rights. In July 2015, for example, the US donated 87 vehicles worth $5.7 million to Tajikistan’s security services, supposedly for counter-narcotics purposes, prompting a critic to comment that the same equipment could be used by the recipients in ‘hunting down’ the government’s opposition (EurasiaNet 2015).

Western realpolitik is also seen in the OSCE’s engagement in Tajikistan. While in years past, the OSCE actively focused on human rights and democratization, over the past decade, the organization’s engagement in the country has been far more focused on such hard security areas as mine clearing and border management. A prominent IRP member does not object to hard security assistance, but says that it should not be prioritized over democratization and human rights: ‘For nearly all Western IOs’, the IRP member commented in interview, ‘Tajikistan is considered a buffer zone and they will act based on consideration of their [preferred security] priorities rather than our preferences.’

The OSCE’s now de facto priority of security and stability over human rights in Central Asia has been criticized by some as not in line with the organization’s mantra of ‘comprehensive security’. The politico-military dimension in Tajikistan, for example, has consistently had a far greater budget allocation throughout the past decade relative to the environment-economics and human dimensions. Due to the politico-military dimension’s dominance over the three dimensions of the OSCE in Tajikistan, the organization has been sarcastically referred to as ‘mine-cleaners’ – given the ongoing and expensive project which the politico-military dimension has been engaged in for years in collaboration with Tajikistan’s State National Security Committee (GKNB) – that too, with little, if any, engagement of civil society in the matter.

The present relative stability in Tajikistan appears to be the main objective of the OSCE in the country; if the government of Tajikistan violates – as it often does – its many OSCE commitments, the organization has virtually no response to such violations. Only the proximity to Afghanistan seems to have increased Tajikistan’s importance in the post-9/11 era. Visiting secretary general of the OSCE, Lamberto Zannier, said in 2012 in Dushanbe: ‘Tajikistan, being located in the heart of Central Asia, not only plays an important role within the OSCE but is also a key factor of stability within its region’ (Asia Plus 2012).
appears, therefore, that for the OSCE, Tajikistan has increasingly become a buffer zone against illegal drug trafficking, extremism and terrorism emanating from Afghanistan. Moreover, the region has become significant for the powerful pS of the OSCE who are also NATO members. In 2014, Tajikistan’s Parliament ratified an agreement between Tajikistan and NATO, which was elaborated 10 years earlier, allowing NATO to use the air and land space of Tajikistan to transfer military hardware and personnel (Gulkhoja 2014). Thus, Tajikistan’s geopolitics, rather than its people, appears to have far more importance for the Western pS of the OSCE (Foroughi 2012a).

The region’s governments, in turn, play up the Afghan threat to their own advantage. President Rahmon, for example, has expressed his concern over NATO’s withdrawal from Afghanistan by anticipating ‘threats’ from an ‘insecure neighbouring country’. He has also acknowledged the ‘buffer zone’ role played by Tajikistan and asked that the ‘international community … take this responsibility into account’ (RFE 2012). The Afghan threat can thus be seen a means for Tajikistan to gain both political advantage and material gains from the West. Rahmon has also ‘urge[d] the OSCE [and] all States parties to … continue to provide practical support to the Tajik government in … strengthening of [its] borders’ (OSCE 2010). One interlocutor believes that the security and stability concerns of the West, as part of its realpolitik objectives, are impossible to realize in an unstable region without cooperation with its leaders, be they democratic or authoritarian.22

Other local stakeholders interviewed for this study agree. An IRP member, for example, claimed that in the EU’s strategy for Central Asia, human rights and democratization have been mentioned only after cooperation on security and economics.23 For the West, geopolitical and economic interests take priority, claims a prominent journalist, rather than democratic norms. The same interlocutor further says that the discursive emphasis on democratization is a front to maintain influence in the region. OSCE’s apathy to craft its image and to stand for its principles, in turn, may have ironically given the green light to Tajik authorities not only to continue with their authoritarian ways, but for some members of the government to make brazen accusations against the OSCE. In mid-2014, for example, when discussing amendments to the election law and possible inclusion of OSCE/ODIHR’s recommendations, the speaker of Tajikistan’s parliament, Shukurjon Zuhurov, called on the parliamentarians not to rely on the OSCE. According to Zuhurov, ‘where the OSCE has a presence there is neither peace nor democracy’ (Ozdagon 2014) – a statement that was likely influenced by ongoing events in Ukraine.

**Hypothesis 3: OSCE/ODIHR’s raison d’être is to observe**

The question remains, however, if OSCE/ODIHR recommendations have been routinely neglected by Central Asian leaders, what are the incentives for the OSCE/ODIHR to continue its election observations? This yields the third hypothesis:

\[ H_3: \text{OSCE/ODIHR’s willingness to observe what are generally known by experts to be forgone and fraudulent elections in the majority of Central Asian states is due to ODIHR’s eagerness to maintain its raison d’être as a post-Cold War institution.} \]

The argument here is that every IO, first and foremost, attempts to continue its own presence globally for as long as possible and, as part of that objective, advances its cooperation with host-country governmental structures. The OSCE/ODIHR is not immune to such a
Modus operandi. Kelley (2009, 771) argues that: ‘Monitoring organizations may thus be particularly inclined to temper their criticism of an election in countries where they fear disrupting their own long-standing programs and where they seek to build positive long-term momentum toward democracy.’

Within the OSCE, the ODIHR is known as an autonomous institution, and given that fact, much of its financial resources (as much as half) are extra-budgetary rather than deriving from the OSCE’s annual unified budget (reported at €16 million for ODIHR in 2014). Of the two, only the unified budget requires the approval of, and reporting to, the OSCE’s Permanent Council and secretary general. Aside from its annual unified budget, therefore, the mostly Western states that consider OSCE/ODIHR’s work to be particularly useful provide it with substantial multi-year extra-budgetary funds. It is also common for IOs to spend their entire budgetary allocations lest donors cut their funding come the next financial cycle. This holds true for the OSCE structures and missions as well, which provides little incentive to economize on election observations. In line with this reality, less attention is paid to the type of expenditure than to maximizing what the organization calls its annual financial ‘implementation rate’.

Local interlocutors agree with this hypothesis. A local journalist argues that the constant monitoring of the region’s elections by the OSCE/ODIHR is an important institutional mission despite recurring electoral fraud and noncompliance with its recommendations by host governments. The same source says that OSCE/ODIHR’s refusal to monitor elections would have an economic cost for its own employees, and ‘thus, they try to compromise with the host government to maintain their presence on the ground’.24 Another interviewee says that expatriate employees of IOs, especially high-level personnel, want to hold onto what often amounts to a diplomatic and well-paid career for as long as possible and, hence, will act very cautiously with authorities of the host government.25 A local political analyst says that none of the organizations would ever admit that their work is insufficient or futile: ‘OSCE/ODIHR will never agree that it is not fulfilling its mission. On the contrary, most of the time the reports about their [own] work are positive.’26 It is also not surprising that the OSCE rarely hires outside evaluators to judge its programmatic effectiveness or budgetary prudence.

Though many OSCE/ODIHR observers and short-term contractors serve in their positions honourably and conduct very good analysis, the decision by the Warsaw-based organization to send its large EOMs to nearly all national elections in the region regardless of the said elections’ foregone conclusions is in the end often both political and self-serving. Given this logic and the above-mentioned responses, we argue that H3 holds true or, alternatively, its null hypothesis fails to be proven, and that the incentive of OSCE/ODIHR’s material gains is a key factor in its uninterrupted presence in Central Asia. The large and expensive election monitoring missions in the region in the end serve as the OSCE/ODIHR’s raison d’être as a post–Cold War institution.

Hypothesis 4: Bring on OSCE/ODIHR, bring on legitimacy!

The general practice and norm in the region has been for the Central Asian governments to agree formally to invite the OSCE/ODIHR election observers. This occurs whether one is or is not respecting the organization’s many democratic commitments. This raises the question of why the autocratic countries in post-communist Central Asia, which typically
disagree with the results of the OSCE/ODIHR’s reports and do not implement their proposed recommendations, continue to invite the organization to observe their elections.

The 2006 presidential election in Tajikistan, for instance, was evaluated by the OSCE/ODIHR – albeit in highly diplomatic and technical language – as flawed and an election without competition. The subsequent parliamentary election, in 2010, was also heavily criticized. Nonetheless, the Tajik authorities invited OSCE/ODIHR, which in turn accepted, to observe the 2013 presidential election and the 2015 parliamentary elections. Experts expected the latter to be ‘among the least democratic and most fraudulent in Tajikistan’s postcommunist history’ (Freedom House 2015, 644). Some argue that Tajikistan is obliged to invite OSCE/ODIHR, given its Helsinki commitments; and yet, that has not prevented neighbouring Turkmenistan from declining to invite OSCE/ODIHR’s EOMs (Burke 2012). Hence, Hypothesis 4:

H₄: Nearly all Central Asian governments are willing to invite OSCE/ODIHR’s election observation missions: (1) to use the presence of OSCE/ODIHR’s election observations as a form of legitimization of their regimes in the eyes of Western governments, IOs and their own population; and (2) to maintain connections with the international community for material and political benefits.

The above hypothesis, we argue, holds particularly true for Tajikistan, the poorest state in the post-communist world, and which upon independence was anxiously seeking internal and external legitimacy as well as material assistance. Internal legitimacy is interpreted as whether the majority or critical part of the population accepts the operating political system or existing regime, giving the rulers the right to rule. According to Antoine Buisson (2007, 142), the internal legitimacy maintained by Rahmon is based on his ‘political charisma’, which has two components: he has maintained relative peace and stability in the post–civil war era of Tajikistan; and he has ruled over the country at a time when Tajikistan has gained recognition in the international arena, which for many in the country is attributed to the person of the president.

With regard to external legitimacy, Rahmon has tried to convince the international community that his government prefers both stability and democracy, and he has largely succeeded. In addition, given that the international community prefers ‘democratic legitimacy’ rather than ‘charismatic legitimacy’, Tajikistan has ratified a picture-perfect constitution, upholding – at least on paper – the three branches of power. Moreover, until mid-2015 it had eight registered political parties, and held regular national elections with the presence of OSCE/ODIHR election monitors, thus maintaining a façade of democracy (Buisson 2007, 124).

The OSCE/ODIHR (2010, 13) claims that the ‘mere presence of international observers … should not be viewed as adding legitimacy or credibility to an electoral process’. The reality, however, is understood very differently in Tajikistan. A political analyst claims that the main reason for the Tajik government’s willingness to invite observers concerns the legitimacy of the elections and thus the state: ‘If elections were conducted without international observers, it might undermine the image of Tajikistan, and the operation of government would be put into question.’ Hence, regardless of the degree of fraud, the mere presence of observers effectively dampens criticism and heightens electoral legitimacy. Without OSCE/ODIHR observers, ‘the election will not be fully recognized by either the opposition or the international community’. There is thus a motivation for the
Tajik authorities to invite OSCE/ODHIR so as to maintain the desired ‘image’ of a cooperative and democratically leaning state.\(^{27}\) There is also a demonstration effect involved. According to Susan Hyde (2006, 116), states and incumbent leaders mimic the actions of other states in inviting observers, with ‘the incentive to do so when they [perceive] that the benefits [outweigh] the costs’.

The presence of election observers, often consisting of over 200 mostly Western citizens, at a cost of roughly US$ 3–4 million, allows the state to maintain its image and ‘prestige’,\(^{28}\) demonstrating that the country is open to international norms and its electoral system is transparent to scrutiny regardless of the results or fairness of the election (The Economist 2013). OSCE/ODIHR’s reports, in turn, not only list the shortcomings but also highlight ‘improvements’\(^ {29}\) — even if they were negligible. Other interlocutors agree that the presence of observers provides internal ‘public legitimacy’.\(^ {30}\) It also gives false hopes to an economically and democratically deprived population and many external players that the very presence of monitors indicates that the election will be conducted under OSCE/ODIHR’s full supervision and that their arrival means that the government has met minimum democratic standards.\(^ {31}\)

The Tajik public, in turn, appears to have had such a false impression. In a 2010 pre-election poll, for example, when asked about expectations of fair and free elections, 74% of respondents expressed a belief that their votes would be counted fairly. This was higher than the numbers in 1996 (64%) and 2004 (68%) (IFES 2010). With continued observance of its elections by OSCE/ODHIR, the Tajik government, too, appears to be more confident of its own rule and legitimacy, since despite nearly all the final reports of OSCE/ODIHR hinting at the de jure illegitimacy of the elections, the OSCE and the West continue their full cooperation with the country’s authorities, signalling the de facto legitimacy of the elections and thus the ruling regime.\(^ {32}\)

Tajikistan’s position as an aid-dependent landlocked state also encourages the authorities to highlight the country’s openness and maturity for democracy promotion, thus maintaining connections and gaining potential material benefits. Rick Fawn argues that, on the whole, post-Soviet states continue to invite OSCE/ODIHR election observers ‘for fear of losing access to and benefits from the OSCE [and the international community] more widely’ (2014, 90). Tajikistan is the most aid-dependent of the Central Asian states. According to the World Bank, the country received close to US$ 400 million in foreign aid in 2012 alone;\(^ {33}\) and in 2003–2013, Tajikistan received 58% of all aid allocations to Central Asia from the European Commission Humanitarian Office (De Cordier 2013). As such, inviting election observers is more significant for poverty-stricken Tajikistan than for the neighbouring, petrol-rich states of Turkmenistan, Kazakhstan and even Uzbekistan.\(^ {34}\)

Tajikistan’s leadership regularly states that the country only recently ended its bloody conflict and that it is very difficult to build democracy in such a short span of time (Buisson 2007). There is ‘no shortcut to democracy’, according to Rahmon (Euronews 2012). The openness of the government to international observers in this case, however, sends an ambiguous signal that the country is willing to democratize and is open to democratic change. The government also never formally denounces the recommendations of OSCE/ODIHR, but merely sits on them and stalls, and thus remains open to observations for future elections. This in turn encourages democracy promoters such as OSCE/ODIHR to continue their work in the country.
Conclusions

Taking Tajikistan as a case study, this article has scrutinized the role of the OSCE/ODIHR in the virtual democratization process taking place in post-communist Central Asia. Four hypotheses were tested, all of which, we claim, failed to be disproven. This analysis illustrated an apparent direct correlation and potential cause–effect relationship between the presence of the OSCE/ODIHR election observations and solidification of virtual democracy in Tajikistan, a country with repeated flawed elections. We describe this phenomenon as ‘Helsinki’s counterintuitive effect’, as it occurs contrary to the expected and intuitive positive effects of a state’s joining the OSCE by signing the 1975 Helsinki Final Act.

Our research suggests that there is little political will to change the system of authoritarian regimes in four of the five states in Central Asia. At the same time, the apathy and naiveté of some IOs, which prefer to ‘engage’ the Central Asian governments through expensive projects with few tangible results, has stymied the effects of external democracy promotion efforts, including those of the OSCE/ODIHR. For the last dozen years, the OSCE has lost its original approach to work in the region, and has been criticized for ‘projectosis’ (Foroughi 2012a). The organization has become a mere donor, a funding agency (even a travel agency) for government institutions and NGOs with a myriad of often redundant projects and all-expenses-paid international trips. On the whole, the mere budgetary – rather than substantive – implementation of projects ironically prevents the OSCE from properly conducting its basic responsibilities of monitoring and encouraging the Central Asian states to follow the core ideas and commitments of the Helsinki Final Act.

This study does not propose that the OSCE/ODIHR boycott Central Asia due to the continued flawed elections. It does, however, recommend a ‘carrot and stick’ rather than an ‘unconditional love’ approach to democratization in the region. Among other things, for example, OSCE/ODIHR regularly deploys a ‘needs assessment mission’ prior to each national election, which conducts routine, purely technical and largely apolitical and formalistic meetings with mostly government officials and often weak or phantom opposition parties. In the process the OSCE misses the bigger picture: that of the political and human rights situation in given Central Asian states. We thus urge more evidence-based, objective, social scientific and broad political reporting in election reports as opposed to bureaucratically worded clichés and cut-and-paste generalities.

The deployment of large and expensive observation missions for formalistic and unconditional observation of forgone elections inadvertently prolongs authoritarian rule in the region. Redundantly large observation teams should thus be replaced by far smaller OSCE/ODIHR monitoring teams using research methods to properly evaluate and report on the nature of such virtual politics. Equally important, diplomatically worded but persistent lobbying and ‘naming and shaming’ of violating states should also become a recurring event in the regular Permanent Council meetings and the variety of other forums the OSCE hosts.

Notes

1. Many of the interviewees claimed that external democracy promotion has been more effective in Kyrgyzstan than in Tajikistan and other Central Asian states, with the caveat that external support for democracy promotion has been aided by the people’s inclination towards democratic reforms in that country.
Disclosure statement

No potential conflict of interest was reported by the authors.

References


