



OSCE Human Dimension Implementation Meeting
Warsaw, 26 September to 7 October 2011

**Working Session 8:
Specifically selected topic: Democratic elections and electoral observation**

Thank you, Mr. Chairperson.

Excellencies, ladies and gentlemen, colleagues,

I am glad to have the opportunity to address you, partly in my function as Chair of the OSCE Human Dimension Committee and partly in my national capacity, on the subject of democratic elections and electoral observation. As part of the HDC work plan and in preparation of today's working sessions 8 and 9, ODIHR Director Ambassador Janez Lenarčič discussed the issue with delegations at the Human Dimension Committee meeting on 24 May. In view of improving the link between Vienna and Warsaw, I would like to share some of my impressions of our debate on the 24th and submit to you some proposals on the way forward with the intent to depoliticize this discussion as far as possible. I am doing the latter part, i.e. the submission of proposals, in my national capacity, since I do not have an explicit mandate by the HDC to do so.

Terminology

The discussions in Vienna have revealed that participating States tend to use different terminologies when speaking about elections and electoral observations, which adds to the already complicated political nature of the discourse. Many misperceptions go along with the term "standards" for democratic elections, the term "principles" for election observation and the term "methodology" applied in election observation by international and regional organizations. Therefore, I would like to clarify these most essential terms at the outset:



a) "Standards" for democratic elections have been defined by the participating States in Copenhagen 1990, Istanbul 1999 and Brussels 2006. These standards include e.g. the commitment to hold free elections at reasonable intervals, to guarantee universal and equal suffrage to adult citizens and to respect the right of citizens to seek political or public office without discrimination.

b) "Principles" for ODIHR's election observation are contained in Ministerial Council Decision 19/06 (Brussels) and consist of "independence, impartiality and professionalism". Furthermore, in 2005 ODIHR endorsed (as one out of 21 international and regional organizations and inter-state agencies) the *Declaration of Principles for International Election Observers* and the *Code of Conduct for International Election Observers*, which stress professionalism and transparency in the field of election observation.

c) The "methodology" for election observation is outlined in the Election Observation Handbook. The handbook is based on the OSCE commitments cited earlier. It was developed following the decision taken at the Ministerial Council in 1994. The handbook serves as a manual for the conduct of ODIHR election observation missions, including also the *Code of Conduct for OSCE/ODIHR Observers*. It has been periodically updated to reflect the evolving commitments and experiences made, and it is now in its 6th edition.

I am confident that a discerning use of these terms will help frame the debate in a more constructive way.

Content

Generally speaking, positions of participating States on electoral observations have not changed much in the past years. Some participating States advocate a binding framework which would include a detailed methodology for election observation. In doing so, they intend to relieve a perceived unequal treatment between participating States east and west of Vienna. Others are in favor of introducing a structured follow-up process to ODIHR recommendations and assessments after election observations. There are many additional nuances, ideas and opinions, but basically the debate has been structured by these two poles. Perceptions and positions on both



sides have become so entrenched that counter-arguments are often a knee-jerk reaction. This will not lead us anywhere. If anything it will intensify already existing frictions. I therefore propose to focus on finding paths with a potential to lead to consensual outcomes. Let me share some thoughts with you in this regard:

- 1) More than two decades after the Copenhagen Document time is ripe to **complement existing commitments** regarding standards **for democratic elections**, so that they reflect the experience gained and how election issues have recently evolved. I recommend selecting a thematic, not politicized entry point for discussions, e.g. updating commitments that correspond to the introduction of new voting technologies. The bottom line of such reflections, however, has to be clear from the outset, namely that existing standards are to be consolidated, not lowered.
- 2) Participating States could consider launching a **systematic exchange on the methodological questions** relating to election observation, focusing particularly on safeguarding objectiveness, transparency and professionalism.
 - a. This exchange could be based on identifying commonalities and differences between the *Declaration of Principles for International Election Observers*, and the *Code of Conduct for International Election Observers* and the *Recommendations for CIS International Observers on Observation of Elections and Referenda 2001* (updated 2005).
 - b. In the course of such a systematic exchange, we could also consider re-evaluating some more specific issues, such as the equal representation of participating States in election observation teams.
 - c. Following this approach, we might be able to deepen mutual trust by reaching a common understanding on a *Code of Conduct for Election Observers* on the political level.
- 3) Looking into more technical requests which have been brought forward by participating States recently and provided that we manage to mobilize some extra-budgetary resources, ODIHR could be asked to



- a. compile a study analyzing the election legislation in the OSCE countries and/or
 - b. collect and publish thematic good practices based on its experience.
 - c. Eventually, such a best practice collection of ODIHR could be compared with those of other international or regional organizations.
- 4) Finally, there might be a less controversial approach to effective **post election follow-up** on ODIHR recommendations.
- a. Invite participating States to engage in a structured follow-up process on a voluntary basis.
 - b. As part of this process, it might be worthwhile to strengthen the respective reporting practice in the Human Dimension Committee.
 - c. Upon invitation, ODIHR could also be tasked with follow-up visits a certain time period after the publication of the final report to discuss the recommendations with major (national) stakeholders.

Mr. Chairperson,

Elections and electoral observation are politically very sensitive issues. Nonetheless I am confident that if there is political will and the readiness to take each other's concerns seriously, we can identify some concrete paths that will potentially lead to consensual outcomes.

Thank you, Mr. Chairperson.