



U.S. ELECTION 2004

Americans try to make sense of the OSCE

An established democracy largely lives up to its electoral commitments

A polling station in Fairfax County, Virginia
Photo: ODIHR/
Michaela Kuefner

BY URDUR GUNNARSDOTTIR

Washington, D.C., 2 November 2004, 1.15 p.m. — The red light is on. Kojo Nnamdi's daily two-hour radio show on WAMU 88.5 FM is on the air when I sneak into the studio on the American University campus, after having been caught in the U.S. capital's noon-day traffic snarl.

Kojo, an immigrant from Guyana who has been rated by the *Washington Post* as "maybe the best interviewer in town", keeps his cool about the delay. His other guest is trying to convince radio listeners that the OSCE's observation of the U.S. election is a "threat to U.S. sovereignty", and that "transparency does not necessarily work both ways".

The landmark Copenhagen Document of 1990, which obligates participating States

in the Organization to observe each other's electoral processes, is central to any explanation of the OSCE's role. Most people who call into the show seem to appreciate this background, but my fellow guest remains sceptical.

The Kojo Nnamdi Show was just one of many opportunities to answer three basic questions we were being asked over and over again in connection with our presence at the presidential and congressional election in the United States: Why are you here? What will you do? And who are you anyway?

Contrary to popular misconception, it was not exactly the first time that the OSCE's Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) was assessing the election process in the United States. During the mid-term polls in 2002, a team of ten election experts reviewed some of the reforms that had been implemented in Florida following the presidential election in 2000.

Since that mission, the United States has pursued further reforms under the Help America Vote Act (HAVA) of 2002, which introduced federal legislation to regulate specific aspects of the national election process.

When one of the oldest and largest democracies in the world undertakes significant reforms in its electoral system, the rest of the world is bound to be interested, and not least of all the ODIHR, which has observed close to 150 elections in the past decade. Furthermore, the HAVA addresses a wide range of polling issues that many of the OSCE's participating States are either also tackling or have gained some expertise in.

Led by university professor Rita Süßmuth, a former president of the German Bundestag, an OSCE/ODHIR team went to the United States in early October to take a detailed look at the implementation of the HAVA. They also followed up other issues that had already been identified by our election experts during a visit to the United States in September.

On 4 November, the OSCE/ODIHR announced its preliminary conclusions regarding the conduct of the elections at a press conference at the National Press Club in Washington, D.C. As is customary, this was done in co-operation with the OSCE Parliamentary Assembly.

In keeping with usual practice, the OSCE/ODIHR experts focused on the legal and administrative aspects of the election

as well as on the political context. They pored over legislation and policy documents and met with election authorities, political parties and NGOs — and even with manufacturers of voting equipment.

In some states, legislation does not allow for observers; in others, polling stations are classified as public places. The U.S. Election Assistance Commission and the State Department were of tremendous help in enabling us to cope with the daunting task of having our observers accredited — daunting, since it had to be done in each individual state and sometimes in individual counties, by officials who had never even heard of that mysterious organization called the OSCE.

The 70 short-term observers, many of whom were parliamentarians from participating States, were deployed to California, Florida, Illinois, Maryland, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Virginia and Washington, D.C.

Suddenly, they found themselves among the most sought after people in the country. CNN, CBS, NBC and the BBC were lining up for interviews. Japanese television crews appeared at every turn. The European media called day and night, desperate to get hold of their nationals in the observer group. Local U.S. newspapers wanted to know if their state had been selected for observation, while the larger U.S. dailies struggled to get a grip on what on earth this strange OSCE creature was all about.

The highly decentralized nature of the U.S. election system was not the only factor that posed a challenge to the OSCE/ODIHR Election Observation Mission. The event took place during the most demanding election season we had ever experienced. Within less than two months — from mid-September to early November — we observed six elections (see box, page 19), which involved deploying some 1,700 election observers representing a cross-section of OSCE participating States. Election experts were in great demand and were constantly criss-crossing the OSCE region.

We were often asked to comment on the value of the OSCE's observation in the U.S. elections. Professor Süssmuth was asked this question at the post-election press conference. She replied:

“This was an excellent opportunity to exchange democratic practices and know-how, and to get an insight into the spirit of the U.S. approach to the conduct of elections. The U.S. system is different from oth-



Professor Rita Süssmuth talks to a television crew outside a polling station on 2 November. Photo: ODIHR/Michaela Kuefner

ers that we have seen before. However, the fact that election systems are different from country to country does not mean that one is preferred over another. All are based on the same values: respect for human rights, respect for the rule of law, respect for the popular vote. What is important is that the system is transparent and accountable, and that voters have placed their trust in it.”

The mission concluded that the elections had been conducted in an environment reflecting a long-standing democratic tradition, comprising institutions governed by the rule of law, free and professional media and an active civil society involved in all aspects of the election process. The mission also emphasized that the Help America Vote Act could be viewed as a process rather than as a final legislative step, designed to address some of the remaining issues that had generated the issue of electoral reform in the United States.

Overall, although the media and some others seemed content with the mission's findings, some made known their disappointment with the lack of outright criticism of the process.

“Well I guess it *is* good news,” said a television producer with a sigh, “which means no news.”

But for us on the mission, the *really* good news was that we found a ready-made opportunity to introduce the OSCE and its election observation activities to the U.S. public.

Urdur Gunnarsdottir is spokesperson of the Office for Democratic Institutions and Human Rights.



OSCE/ODIHR

Election observers/ OSCE ambassadors: Parliamentarians' dual roles come to the fore



Voting in Fairfax, Virginia
Photo: ODIHR/Michaela Kuefner

BY BARBARA HAERING

The U.S. presidential election of 2004 provided the OSCE with its first opportunity to send a comprehensive Election Observation Mission to the United States. I was honoured that the President of the OSCE Parliamentary Assembly (PA), Alcee L. Hastings, chose me to lead the Short-Term Election Observation Mission and asked the Chairman-in-Office to appoint me as his Special Co-ordinator. Upon the request of PA President Hastings, the Chairman-in-Office also appointed Italian parliamentarian Giovanni Kessler as my Deputy. This unprecedented support for the PA was important to our work.

Since the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) was unable to provide its usual logistical support due to the lack of long-term observers in the field, the Parliamentary Assembly's International Secretariat assumed responsibility not only for conducting the extensive briefings in Washington, D.C., but also for deploying the parliamentarians and organizing their programmes.

The briefings, held on Capitol Hill on 28 and 29 October, included presentations by the U.S. Federal Election Commission, the Election Assistance Commission, the International Foundation for Election Systems, and the Republican and Democratic election campaigns.

The complexity of the United States' highly decentralized election procedures was new to most of the parliamentarians from Europe. Members of the Election Observation Mission were fully aware that the country was in the midst of a crucial phase of election reform. For the first time, nationwide rules and regulations for election procedures were stipulated under a federal law, the Help America Vote Act. Known as the HAVA, it was approved by the U.S. Congress in 2002 but has not yet been fully implemented.

On 30 October, 52 parliamentarians from 19 OSCE participating States were deployed not only to the key battleground states of Florida, New Mexico, Ohio and Minnesota, but also to Maryland, North Carolina, Virginia and the District of Columbia. This deployment plan offered a balanced picture of the country's election process. I myself visited ten polling stations in Cleveland, Ohio.

On election day, my parliamentary colleagues found themselves having to

improvise on the spot since OSCE observers were not automatically granted access to every polling station they went to. This was because some state laws did not include international observers under the categories of persons permitted to enter polling places, or because the state law's lack of reference to international observers was deemed to be an obstacle to their presence. These hitches could not be resolved by the fact that the OSCE had been invited by the U.S. State Department to observe the elections. Fortunately, experienced parliamentarians are used to tackling delicate predicaments and I believe that, in the end, we did achieve the requirements for effective election observation.

On 4 November, together with Rita Süssmuth, Head of the Long-Term Election Observation Mission, I presented our preliminary post-election statement at the National Press Club. Our key message was that the U.S. elections had by and large fulfilled the commitments that the OSCE's 55 participating States had signed up to in the Copenhagen Document of 1990. However, I added, Congress and individual states should consider introducing legal provisions allowing officially invited international observers to have unimpeded access to all stages of the election process.

I stressed that U.S. election reforms would have to continue and even go beyond the HAVA, especially concerning international observers. Nationwide voter registration rules and national standards for voting roll purges would be needed. Clearer rules for handling provisional ballots and identification, and for military and overseas voting, would have to be drawn up.

Moreover, I drew attention to the fact that the Election Observation Mission had enhanced the cred-

ibility, not only of the OSCE, but also that of the United States as a participating State of the OSCE. It is important for the Organization not to be perceived as applying double standards in the observation and monitoring of elections in the OSCE area.

Throughout the mission's duration, my colleagues and I were literally chased by representatives of the media in the United States as well as from our own countries. Over and over again, we had to explain that the U.S. Government had invited the OSCE to observe the elections, pointing to the commitments laid down in the Copenhagen Document and describing the work of the OSCE and its institutions. Thus, we were performing the role of election observers as well as ambassadors of the OSCE.

On a personal note, I must say that I was impressed by the passion exhibited during the presidential campaign, by the commitment of campaign volunteers up to the very last minute, and by the patience and resolve of voters on election day. I came away from the mission with a wealth of lessons that will be important to my work as a parliamentarian in Switzerland.

Barbara Haering was elected Vice-President of the OSCE Parliamentary Assembly in 2001. A citizen of both Canada and Switzerland, she has been a member of the Swiss parliament since 1990, where she is Vice-President of the Defence Committee.



Parliamentarians Barbara Haering and Giovanni Kessler

ODIHR election observation in 2004: 12 missions, 3,500 observers

Georgia: presidential election, 4 January

450 short-term observers for election day
38 long-term observers and core staff

Russian Federation: presidential election, 14 March

340 short-term observers for election day
51 long-term observers and core staff

Georgia: repeat parliamentary elections, 28 March

440 short-term observers for election day
40 long-term observers and core staff

The former Yugoslav Republic of Macedonia: early presidential election, 14/28 April 2004

200 short-term observers for election day
28 long-term observers and core staff

Serbia (Serbia and Montenegro): presidential election, 13 June

No short-term observers for election day
19 long-term observers and core staff

Kazakhstan: parliamentary elections, 19 September

300 short-term observers for election day
31 long-term observers and core staff

Bosnia and Herzegovina: municipal elections, 2 October

200 short-term observers for election day
21 long-term observers and core staff

Belarus: parliamentary elections, 17 October

300 short-term observers for election day
29 long-term observers and core staff

Ukraine: presidential election, 31 October/ 21 November/26 December

600-1,000 short-term observers for election day
57-80 long-term observers and core staff

U.S. presidential and congressional elections: 2 November

80 short-term observers for election day
10 core staff

The former Yugoslav Republic of Macedonia: Referendum, 7 November

200 short-term observers for polling day
22 long-term observers and core staff

Uzbekistan: parliamentary elections, 26 December

No short-term observers for election day
20 long-term observers and core staff