

**SUPPLEMENTARY HUMAN DIMENSION
MEETING**

**“CHALLENGES OF ELECTION
TECHNOLOGIES AND PROCEDURES”**

FINAL REPORT

Vienna, 21-22 April 2005

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I. EXECUTIVE SUMMARY

The first OSCE Supplementary Human Dimension Meeting (SHDM) of 2005 was devoted to the topic of elections, and was entitled “Challenges of Election Technologies and Procedures”. The meeting took place 21-22 April in Vienna, and brought together 212 participants, including 35 representatives of 27 non-governmental organizations (NGOs). In addition to the Opening Session, the SHDM comprised three sessions which respectively considered the topics of new election technologies, implementation of OSCE election commitments and international and domestic election observation.

Introductory remarks at the Opening Session of the SHDM were delivered by Ambassador Janez Lenarčič, Chairman of the Permanent Council, and Ambassador Christian Strohal, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Ambassador Janez Lenarčič noted that the Slovenian Chairmanship set election issues as one of the priorities of their Chairmanship and considered “the OSCE commitments on democratic elections as the core of the OSCE values”. He underlined the fact that “the primary responsibility to implement OSCE human dimension commitments lies within the participating States” and mentioned that “the ODIHR plays an irreplaceable role in conducting election observation”.

Ambassador Christian Strohal highlighted the importance of the OSCE’s Human Dimension events as they provide an opportunity for a forthright exchange of views between a broad range of participants, comprising diplomats, experts and representatives of civic society organizations. The key question remains: how can the OSCE commitments in the field of democratic elections best be fulfilled? These commitments agreed on by all OSCE participating States, have existed for 15 years. During these 15 years, the OSCE family has seen considerable progress in democratic principles and practice taking root and strengthening in many parts of the region. However, the ODIHR is still observing a number of elections in which participating States are not meeting their commitments, or in which serious manipulation of the election process is attempted. He noted that “this is the real election challenge in the OSCE region today....It is not merely a question of finding technical solutions and improvements. What is needed is a genuine political commitment, a genuine political will.”

Session I provided an overview of new election technologies, such as electronic voting, as well as some comparison of the main systems in use. The session considered how new technologies can pose challenges to the perceptions of transparency and accountability of an election process, as well as challenges to observing electronic voting. Participants considered both supervised e-voting in polling stations, which is increasingly in use, and future possibilities of remote electronic voting, especially via internet. Discussions centered on the practices of some States regarding e-voting, as well as their investigations into the feasibility of introducing or expanding the use of e-voting. Participants noted that, above all, there is a need for public confidence as a prerequisite for the introduction of new election technologies.

Session II addressed ongoing challenges to the implementation of existing OSCE commitments for democratic elections, and the important responsibility that lies with participating States in this regard. The discussion also focused on the elaboration of a concept for a “Copenhagen Plus” document, a set of additional commitments to supplement the existing ones, which was discussed during the July 2004 Supplementary Human Dimension Meeting. This was viewed as a possible means to further enhance compliance with the OSCE election commitments. Participants also addressed the follow-up to election observation, and possible mechanisms to better review implementation of OSCE election commitments, and ensure attention to OSCE/ODIHR recommendations. The role that civil society may play in promoting the implementation of such recommendations was also touched upon.

Session III focused on the role of international and domestic election observation for enhancing the integrity of election process in line with OSCE Copenhagen Commitments. Much of the discussion focused on election observation methodologies, both international and domestic, that have been developed to provide a framework for impartial, objective and transparent observation throughout the election process, before, during and after election day. Participants discussed the interaction between international and domestic observers as well as the significance of training of OSCE observers in their home countries, before the deployment to observation missions. Prior to the SHDM, the OSCE/ODIHR released an updated fifth edition of its “Election Observation Handbook”, which outlines the OSCE methodology for election observation as practiced since 1996. Discussions looked at this methodology and how it is also used by other international organizations, especially the European Commission. In addition, other international organizations, such as the Commonwealth of Independent States, were also invited to present and discuss their methodologies.

In addition to the above formal sessions, the Delegation of the United States of America to the OSCE organized a side event on 22 April entitled “U.S. Elections: Reform and OSCE Commitments in a Decentralized System.”

II. RECOMMENDATIONS

This report focuses on recommendations arising from the three sessions. These recommendations, from delegations of OSCE participating States, international organizations, and NGOs, are wide ranging and aimed at various actors, such as OSCE participating States, OSCE institutions and its field operations, as well as other international organizations and NGOs.

The recommendations have no official status, are not based on consensus, and the inclusion of a recommendation in this report does not suggest that it reflects the views or policy of the OSCE. Nevertheless, they are a useful indicator for the OSCE in reflecting upon how participating States are meeting their commitments, determining future priorities and considering possible new initiatives in the field of elections.

General recommendations to the OSCE participating States:

- Implementation of the OSCE commitments on democratic elections is a priority and a primary responsibility of the OSCE participating States. They should find ways and means to address possible shortcomings effectively. Overall, importance of implementation of OSCE election commitments by participating States was underlined.
- When introducing new election technologies broad public confidence is critical. The OSCE participating States should look for ways to develop this confidence, including through involving political parties and civil society in a meaningful dialogue from the very inception of initiatives to introduce such technologies. In order to have public confidence, OSCE participating States shall address the issue of ensuring secrecy of the vote and each voter must be able to verify how he/she voted.
- OSCE participating States should consider both the possible advantages and disadvantages to e-voting. Possible advantages include the potential to increase voter participation, produce faster and more accurate tabulation of results, and better serve voters with special needs. Possible disadvantages include a real or perceived lack of transparency and accountability, and fears of possible manipulation. Further, it should be considered whether a transition to e-voting could result in the potential exclusion of any group of voters.
- OSCE participating States should further examine the need for developing additional commitments responding to the ongoing and emerging challenges, further elaborating the concept of a “Copenhagen Plus” document. Any discussion on supplementary commitments should not in any way distract from or overshadow the importance of implementation of the existing ones.
- Participating States should consider developing a mechanism for further follow-up to OSCE/ODIHR Election Observation Mission final reports.
- OSCE participating States should facilitate election observation, both international and domestic, in order to increase voter confidence.
- OSCE participating States should consider the need to further strengthen national election observer training efforts. Election observation capacity building could be further expanded, with particular focus on those participating States that so far have not sent observers to participate in OSCE/ODIHR election observation missions on a regular basis.

General recommendations to the OSCE, its institutions and field missions:

- In order to address emerging challenges of new election technologies, the OSCE should consider the need for developing standards for security and verification of e-voting systems.
- The OSCE/ODIHR should consider the need to convene a meeting of experts to discuss the relevant issues related to automated or electronic voting, and internet

voting, as well as the best practices, with the aim to further develop observation methodology of such new technologies.

- The OSCE/ODIHR should consider the need to convene a meeting of international experts on elections in order to start the process of developing an inventory of issues and a draft proposal for a “Copenhagen Plus” document.
- The OSCE/ODIHR should continue to encourage the diversification of election observers in the OSCE/ODIHR missions through the OSCE/ODIHR extra-budgetary Fund for the Diversification of Election Observation Missions.

Recommendations to other intergovernmental and non-governmental organizations:

- Domestic civil society organizations from the OSCE area should recognize the need to share “best practices” and support each others efforts more consistently. There is a need for more concerted cross border networking efforts, particularly with regard to domestic election observation.
- The EU and OSCE should supplement, and not duplicate, their resources in the field of elections.
- More information from the Commonwealth of Independent States, including a public document setting out a comprehensive and transparent methodology, would be useful in order to understand the political and administrative background of CIS election observation and its findings. This would facilitate addressing enquiries raised by some participants and delegations from OSCE participating States in the context of the SHDM.

III. SUMMARIES OF THE SESSIONS

Opening Session:

Moderator: **Mr. Paul DeGregorio**, Vice-Chairman of the US Election Assistance Commission

Keynote Speakers: **Mr. Bruce George**, President Emeritus of the Parliamentary Assembly of the OSCE

Mr. Alexander Veshnyakov, Chairman of the Central Election Commission of the Russian Federation

As the representative of the Chairman-in-Office, Ambassador Janez Lenarčič opened the SHDM by highlighting the role of the OSCE, together with other international organizations in offering technical election assistance and conducting comprehensive election observation in the OSCE region. He noted that the SHDM constitutes an excellent opportunity for the exchange of information among various international organizations and institutions on their experiences and methodologies in the election-related field. Ambassador Lenarčič expressed the wish that discussions would result

in a number of concrete and constructive recommendations on how to tackle the new challenges of election technologies and procedures.

Ambassador Strohal noted the timelines and importance of this meeting that provides an opportunity for a fruitful dialogue between election professionals of experiences and good practices in overcoming emerging as well as existing challenges in meeting electoral commitments. He mentioned that the OSCE faces the need to address the most urgent election-related issues, and that is the implementation of OSCE commitments. The commitments serve as the basis for the OSCE/ODIHR observation efforts, as they represent what all 55 participating States believe constitutes a meaningful democratic election process. While Ambassador Strohal noted that he takes very seriously any concerns conveyed with regard to the OSCE/ODIHR's election-related activities, OSCE/ODIHR can only welcome a sincere discussion on its practices and findings. However, he cautioned participants against arguments made solely to distract attention from the pressing priority of implementation of OSCE election commitments.

Mr. Bruce George noted that over the years, the OSCE/ODIHR has developed a world renowned election observation methodology, which has permitted it to report accurately on the major trends of every election it has observed. The effectiveness of this methodology has not only served the OSCE well, but has been adopted and adapted by other international organizations, including the European Union. The OSCE/ODIHR has also become known for its impartial and objective approach, which enables it to draw conclusions as a result of listening to all sides, and its political discretion, as the OSCE/ODIHR does not comment on the political outcome of an election.

Mr. Bruce George also highlighted a number of ongoing trends among some OSCE participating States, including: attempts to limit competition of parties and candidates, thus diminishing voter choice; misuse of state administrative resources; media bias, particularly with regard to state-controlled media; lack of transparency and accountability during the vote count, the tabulation of the vote and the announcement of results; and lack of sufficient will to rectify identified shortcomings.

Mr. Bruce George noted the progress made in reinforcing joint observation efforts by the OSCE/ODIHR, the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, the European Parliament and on occasions the NATO Parliamentary Assembly. Even though the scope of its activities and sophistication of its observation methodology is recognized, the introduction of new voting technologies may pose a challenge to election observation methodology, and it will therefore need to be adapted accordingly to meet these new challenges. Any constructive and genuine criticism, based on the experience from observation missions, can be considered and acted upon if merited.

Mr. Alexander Veshnyakov recognized the importance of the SHDM for developing a better approach to emerging and existing challenges in the election-related field. He recalled that the issue of new election technologies was addressed at the SHDM held in July 2004 and the Council of Europe had adopted recently a document on e-voting. He appraised the effectiveness of the Russian State Automated System, which he believes have the advantages of transparency, security and the fast tabulation of

election results. In his view, it would be worthwhile to develop recommendations on the possible standards on the implementation of new election technologies in the OSCE in order to avoid possible manipulations in election results.

While speaking about the implementation of the OSCE election commitments and ongoing challenges, Mr. Alexander Veshnyakov reminded participants about the substantial discussion on election standards and commitments that took place at the 2004 SHDM, and hoped that this SHDM would provide a solid basis for constructive discussion. He noted that the Copenhagen commitments should be further reinforced in order to meet emerging challenges, including new technologies, and the preparations for developing a “Copenhagen Plus” document should be initiated.

Mr. Alexander Veshnyakov also referred to how the OSCE election observation methodology could be further enhanced. The OSCE/ODIHR election observation missions should, on the one hand, assess the quality of election procedures, legal framework and their compliance with the OSCE commitments and, on the other hand, be politically neutral and adhere to the impartiality principle. In other words, the OSCE should not pass a political “sentence” with regard to an election but rather promote and strengthen democracy. He also suggested further developing and defining the operational methodology of the OSCE/ODIHR missions, including composition of the missions, the process of appointing the head of the mission and the system of reporting. He noted that, since the practice of joint missions including various parliamentary bodies has been already established, why not incorporate representatives of other international organizations, including the Commonwealth of Independent States.

Session I: **New Election Technologies: Emerging Challenges for Electoral Processes**

Moderator: **Mr. Paul DeGregorio**, Vice-Chairman of the US Election Assistance Commission

Introducers: **Dr. Jenő Szep**, Adviser Association of Central and Eastern European Election Officials

Mr. Vladimir Foss, Secretary of the Central Electoral Commission of Kazakhstan

Mr. Thomas Buchsbaum, Head of the Department of the Federal Ministry for Foreign Affairs of Austria

The discussion in **Session 1** focused on the challenges and opportunities of electronic technologies, especially e-voting, for States, election administrators, voters, and election observers. Participants considered both supervised e-voting in polling stations, which is increasingly in use, and the future possibilities of remote electronic voting, especially via internet. The discussion centered on the practices of some States regarding e-voting, as well as their investigations into the feasibility of introducing or expanding the use of e-voting. Participants underlined the need for new election technologies to meet the same standards as traditional, paper-based methods. There was general recognition that the legal, societal and other circumstances of each State

impact the decision to use new technologies. Participants noted that, above all, there is a need for public confidence as a prerequisite for the introduction of new election technologies. Some participants stated that observation of e-voting is possible, albeit in different ways than paper-based voting. There was discussion of efforts to set standards on e-voting by the Council of Europe, the European Commission, and the United States of America, and there were several requests that a working group be created under the auspices of the OSCE/ODIHR to further analyze challenges to election observation posed by new voting technologies.

Dr. Jenő Szep noted that there is a wide variety of different e-voting technologies, including ballot scanners, push-button and touch-screen voting machines, telephone and internet voting. E-voting techniques should be reliable, secure, verifiable, accountable and accessible. Whatever method of e-voting is to be used it should be followed by the means of independent verification.

Mr. Vladimir Foss shared the Kazakhstan experience in using the system of electronic voting that is based on electronic registration, voting, information storage and exchange of information among all levels of the system.

Mr. Thomas Buchsbaum discussed the main challenges of emerging technologies in the electoral process and possible ways to address them. Remote voting, especially via internet, presents specific challenges with respect to safeguarding election principles including secrecy of the vote and developing public confidence. The involvement of all political actors, open information and public debate, and a role for independent auditors to certify technologies, is necessary to developing this confidence.

After presentations of the introducers, there were interventions from delegations, representatives of international organizations, national election management bodies, and non-governmental organizations. They highlighted the potential advantages to new technologies, particularly increased voter participation, but recognized that transparency and accountability of such systems are essential. Without essential safeguards, audits and certification, public confidence will not be ensured.

The following specific recommendations were made in Session I:

Recommendations to the OSCE participating States:

- New election technologies have the potential to facilitate voter participation, but can also pose challenges to the transparency and accountability of an election process. Inclusive and transparent certification procedures, as well as permission for domestic observer groups to verify such new technologies and procedures, are fundamental to enhance confidence in the security of the vote. International observers should have access to the domestic verification process.
- In introducing new systems, the OSCE participating States should establish security requirements that must apply at each level of the system, and equally ensure full transparency and accountability. It is recommended that new systems should be certified to meet national and international standards and could be verified by independent bodies.

- OSCE participating States shall carefully consider the election related legal framework before introducing new election technologies.
- There should be a broad consensus among all the actors in the electoral process, and a fully inclusive public dialogue, before introducing new voting technologies. A more gradual introduction of new technologies can contribute to building public confidence.
- OSCE participating States should recognize that internet voting may potentially enable broader participation, but secrecy of the vote, verification of the results, and security, remain outstanding issues to be addressed.
- While e-voting may increase participation, OSCE participating States should recall that voter turnout is ultimately based on a sense of civic duty, and new technologies alone cannot enhance or ensure civic engagement in the election process.
- The OSCE participating States should consider funding an existing OSCE/ODIHR extra-budgetary project on developing guidelines for the observation of electronic voting.

Recommendations to the OSCE, its institutions and field operations:

- As election technologies develop, there is a need for the OSCE/ODIHR to consider further adaptation of election observation methodology to the new challenges.
- The OSCE/ODIHR should consider establishing an expert group, within the context of an existing yet unfunded extra-budgetary project established for this purpose, to look into e-voting and its correlation to OSCE commitments.

Session II: **OSCE Election Commitments: Ongoing Challenges to Implementation-Copenhagen Plus as a Possible Means to Enhance Compliance.**

Moderator: **Mr. Vladimir Lysenko**, Member of the Central Election Commission of the Russian Federation

Introducers: **Mr. Yaroslav Davidovich**, Chairman of the Central Election Commission of Ukraine

Mr. Jean-Pierre Kingsley, Chief Electoral Officer of Canada

Mr. Zoran Lucic President of the Center for Free Elections and Democracy

The discussion in Session II focused largely on the issue of follow-up to OSCE/ODIHR recommendations, and the needs and mechanisms to ensure better

implementation of the election related recommendations. There was also discussion regarding a possible “Copenhagen Plus” document and whether or how this could enhance compliance with OSCE election commitments. Some participants also discussed questions relating to election observation, and many participants including NGOs, delegations, and the European Commission stressed how important the OSCE/ODIHR election observation missions are for furthering the implementation of OSCE election commitments.

There were 24 interventions during the session. Some delegations and NGOs, as well as the European Commission, put forward several possible directions for additional commitments. Some non-governmental organizations from Belarus and Turkmenistan took this opportunity to voice their concerns and the difficulties they might encounter in their activities in their home countries. A few delegations expressed the need to improve OSCE/ODIHR election related activities through a compilation of analysis of electoral legal frameworks in the OSCE region. Other participants disagreed with this proposal. Ambassador Strohal reminded the audience that the OSCE/ODIHR reviews electoral legislation each year for compliance with OSCE commitments and other international standards, often in cooperation with the Venice Commission of the Council of Europe. He urged participants to make use of the ODIHR’s inventory of electoral legislation on the website www.legislationline.org.

Many participants noted that the existing commitments shall not be re-negotiated. The implementation of OSCE/ODIHR recommendations could be further enhanced by host countries commitments to implement recommendations and to regularly inform the PC on progress of implementation. Moreover, a mechanism for ensuring dialogue and bilateral interactions between the authorities of a host country and the OSCE/ODIHR could be established.

Mr. Davidovych expressed gratitude to the OSCE and reminded the audience of the different phases of the 2004 Ukraine elections. He stressed that, despite the extraordinary circumstances, the Central Election Commission had been able to resist political influence. He also mentioned the several issues the Ukrainian CEC was currently looking into, in particular a possible model for a unified voter register, and e-voting. Mr. Davidovych also underlined the need to address the issue of developing of a “Copenhagen Plus” document.

Mr. Kingsley stressed the fact that OSCE and OSCE/ODIHR were at crossroads before putting forward several suggestions: He proposed that when an invitation is sent to the OSCE/ODIHR to observe an election, it should be accompanied by a commitment from the authorities of the host country to engage in a follow-up with the OSCE/ODIHR after the electoral process. He also suggested establishing a group of experts to consider emerging challenges to the commitments and to develop supplementary ones.

Mr. Lucic stressed the importance of the participation of domestic non-partisan observers as contributing to the integrity of electoral processes. He referred to parallel vote tabulations and quick counts. He also stated that non-governmental organizations were not anti-government, but could also contribute to election technical assistance and voter education.

The following recommendations were made in Session II:

Recommendations to the OSCE participating States:

- OSCE participating States shall display a more concerted political will to implement the election-related Copenhagen commitments.
- In the context of the Copenhagen commitments, more attention should be focused on addressing a number of negative trends in some participating States, and on improving the ability of disabled persons, women, minorities, and internally displaced people to vote and run for office.
- OSCE participating States should ensure accountable, balanced and impartial election administration and foster confidence through dialogue, voter education, and informed choices of technologies and procedures, that assure transparency, accountability and the secrecy of the ballot.
- OSCE participating States should consider developing a mechanism, in conjunction with OSCE/ODIHR, for further follow-up to OSCE/ODIHR Election Observation Mission final reports.
- OSCE participating States should consider the possibility of introducing updated reports on the basis of OSCE/ODIHR findings, to the Permanent Council, on the progress of implementation of OSCE/ODIHR election observation recommendations.
- OSCE participating States should further examine the need for developing additional commitments responding to ongoing and emerging challenges, further elaborating the concept of a “Copenhagen Plus” document.

Recommendations to the OSCE, its institutions and field operations:

- The OSCE/ODIHR should consider possibilities for carrying out a comprehensive analysis of national election legislation.
- The resource implication, both human and financial, of such an analysis would need to be studied carefully.

Session III: **Election Observation: Challenges to Enhancing Electoral Integrity.**

Moderator: **Mr. Patrick Merloe**, Senior Associate and Director of Election Programs, National Democratic Institute for International Affairs

Introducers: **Mr. Gerald Mitchell**, Head of the OSCE/ODIHR Election Department

Mr. Assan Kozhakov, Deputy Chairman of the Executive Committee of the Commonwealth of Independent States

Mr. Rolf Timans, Head of Unit, Directorate General External Relations, European Commission

Ms. Vanja Scoric, Vice-President of GONG

The discussion in Session III focused on questions related to international and domestic election observation and respective methodologies. The link between the utility of election observation as a means to enhance the integrity of elections, and ensuring the integrity of election observation itself through a comprehensive, transparent and impartial methodology, was noted. There was a focus on the principles and standards for election observation, as elaborated in the OSCE/ODIHR Election Observation Handbook and more generally set forth in the “Declaration of Principles for International Election Observation” and Code of Conduct recently issued by the UN Election Assistance Division and others, as well as the need for consistent application of such principles to all countries free of any political bias. Although OSCE/ODIHR was widely regarded as a leading institution in the field of election observation, more scrutiny and attention was given to OSCE/ODIHR than to election observation as practiced by other international organizations performing in the OSCE region.

Prior to the SHDM the OSCE/ODIHR released its updated fifth edition of its “Election Observation Handbook” which outlines the OSCE methodology for election observation as practiced during the past decade. It has expanded its focus to take account of specific issues, especially in areas such as the participation of women and the inclusion of national minorities in elections. In addition, the ODIHR has adapted its observation methodology to respond to specific circumstances arising in the context of election observation such as the deployment of a long-term team without the presence of short-term observers on election day, the deployment of an assessment mission to assess elections in long-standing or more established democracies and the deployment of an expert support team to assist the respective OSCE field missions.

There was considerable discussion and recognition of the importance of domestic civil society organizations in election observation in helping to promote democratic elections, safeguard the integrity of election processes and promoting public confidence and citizen participation in elections. There was no disagreement expressed that participating States should encourage domestic election observation by civil society organizations free from undue burdens and with unhindered access to election processes. It was recognized that domestic election observation is one of the most positive examples of developing democratic practices during the last decade and a half in the OSCE region.

A few interventions criticized OSCE/ODIHR election observer missions for not applying principles and standards uniformly to all participating States, and purportedly demonstrating political bias in election observation activities. However, a majority of interventions by participating State delegations rejected such criticism and

recognized the practice of OSCE/ODIHR election observation missions to be politically impartial, professional and consistent with its OSCE mandate. It was nonetheless uniformly stated, with no disagreement, that all organizations engaged in election observation must strive at all times for impartiality, objectivity and transparency.

Several specific points concerning observation methodology were discussed, including: the need for a preliminary post-election statement, the composition of election observation missions including the selection of the Head, and modalities for the release of election observation mission final reports.

One point of view expressed that no preliminary post-election statement should be issued in order to allow all relevant information to be gathered concerning processes and results. However, other interventions stressed the credibility and integrity of election observation is dependant upon the timely and transparent release of information and findings through a preliminary post-election statement which reports on the entire election process up to and including election day.

It was noted that while the OSCE/ODIHR continues to diversify its missions, particularly through the Fund for the Diversification of Election Observation Missions, some participating States seem unwilling or unable to second observers. While at least one intervention suggested that the Permanent Council assume more responsibility in selecting the Head, other interventions expressed sharp disagreement with this view. Interventions on this topic were limited to OSCE/ODIHR practice, and did not examine how other organizations address these issues.

The question of whether the ODIHR final reports should be submitted to the PC prior to release was discussed, together with the need to preserve credibility and autonomy of ODIHR's activities.

Mr. Mitchell explained that the OSCE/ODIHR is charged, *inter alia*, with observation of elections, including providing recommendations for taking steps necessary to meet OSCE commitments and international best practices under the Copenhagen, Paris, Istanbul and other OSCE Documents. The practice of the OSCE/ODIHR, as set forth in the OSCE/ODIHR Election Observation Handbook, the most recent edition of which has been provided to the delegations to the SHDM and all participating States, delineates OSCE/ODIHR's observation methodology and is consistent with the international principles and practices for impartial, accurate, transparent and effective election observation.

Mr. Kozhakov stated that the CIS had developed a practice of international election observation, which he believes is consistent with the principles and commitments of the OSCE and with the practice and methodologies of the OSCE/ODIHR. The CIS sends observation delegations to its member countries to reinforce the potential for realizing democratic elections and democratic development. He expressed his opinion that CIS observers often have the advantage of speaking the language or one of the languages of the country organizing the elections, and CIS observers also are familiar with the cultural practices and governmental structures of the country. Mr. Kozhakov contends that the CIS has sought to ensure that its observation principles are uniformly applied to all CIS countries, without any political bias or unevenness in

application. He did not elaborate on issues, such as the composition of CIS election observation missions, appointment of head of the mission and reporting of findings, as well as other details of the CIS observation methodology.

Mr. Timans noted that in the last 10-15 years there has been significant progress in the conduct of elections around the world and that election observation has made a major contribution to this progress. At the forefront of the development and consolidation of election observation has been the OSCE/ODIHR, and for this it deserves recognition and continued support. It is from the OSCE/ODIHR that the European Union drew its inspiration when developing its own important capacity in election observation. The role played by civil society domestic observer groups has also become increasingly important around the world to safeguarding and promoting the integrity of election processes. Mr. Timans underlined the importance of avoiding duplication of election observation efforts in the OSCE region.

Ms. Skoric described the evolution of the practice of domestic election observation by non-partisan civil society organizations as: an exercise of the right of association and of citizens to participate in governmental and public affairs; a way to increase public confidence; and a way to promote and safeguard the integrity of election processes by looking at aspects of the process also covered by the methodology of the OSCE/ODIHR. The organizations appreciate the support the OSCE/ODIHR and other organizations have provided in calling on participating States to providing for the unhindered participation of domestic civic organizations in election observation and other election-related activities.

In addition to the presentation of the introducers, there were interventions from delegations, representatives of international organizations, election management bodies, and non-governmental organizations addressing the role of international and domestic observation in enhancing the electoral process.

Among the recommendations emerging from the interventions, a few mutually excluded each other. Such were, for example, the recommendations of participants touching upon a possible role of the OSCE Permanent Council in the appointments of heads of OSCE/ODIHR election observation missions, or on a possible comprehensive comparative review of election legislation in OSCE participating States. It would appear that participants in the SHDM agreed that they disagree on these issues.

The following recommendations were made in Session III:

Recommendations to the OSCE participating States:

- OSCE participating States should develop ways to increase the number of observers with relevant language skills for the countries to which election observation missions are to be deployed.
- The OSCE participating States should further their efforts to develop training programs for national observers.

Recommendations to the OSCE, its institutions and field operations:

- The OSCE/ODIHR should strive to be more consistent in the timeframe for the release of final reports, within 4-8 weeks after the completion of an election process, although it is recognized that there is the need for some flexibility due to the intensive workload often placed on the OSCE/ODIHR Election Department at any one time, and limited resources.
- Active cooperation among observer organizations should be based on a demonstrated and like-minded approach.
- The credibility of organizations engaged in election observation is dependent on a structured framework for gathering and assessing information, in order to deliver consistent and constructive recommendations that could in no way be interpreted as impartial.
- A working group could be set up to further discuss comparative election observation methodologies and approaches.
- The OSCE/ODIHR should continue its efforts to diversify the composition of election observation missions through the voluntary fund established by OSCE/ODIHR in 2001 for that purpose.
- Specific attention should be paid to the issue of election rights and voting procedures of internally displaced persons.

ANNEX 1: AGENDA

SUPPLEMENTARY HUMAN DIMENSION MEETING “CHALLENGES OF ELECTION TECHNOLOGIES AND PROCEDURES” 21-22 April 2005 HOFBURG, VIENNA

AGENDA

- Day 1** **21 April 2005**
- 15.00 - 16.00 **OPENING SESSION:**
- Opening remarks:**
 Ambassador Janez Lenarčič, Chairman of the Permanent Council
 Ambassador Christian Strohal, Director of the OSCE/ODIHR
- Keynote speeches:**
 Mr. Bruce George (United Kingdom), President Emeritus of the Parliamentary Assembly of the OSCE
 Mr. Alexander Veshnyakov (Russian Federation), Chairman of the Central Election Commission
- Technical information* by the OSCE/ODIHR
- 16.00 - 18.00 **Session I: New Election Technologies: Emerging Challenges for Electoral Processes.**
- Introducers:**
 Dr. Jenő Szep (Hungary), Adviser, Association of Central and Eastern European Election Officials
 Mr. Vladimir Foss (Kazakhstan), Secretary of the Central Electoral Commission
 Mr. Thomas Buchsbaum (Austria), Head of Expatriates Division of the Federal Ministry for Foreign Affairs
- Moderator: Mr. Paul DeGregorio (USA)**, Vice-Chairman of the Election Assistance Commission
- Discussion*
- 18:30 **Reception offered by the OSCE Chairmanship**

Day 2	22 April 2004
9.00 - 12.00	<p>Session II: OSCE Election Commitments: Ongoing Challenges to Implementation - Copenhagen Plus as a Possible Means to Enhance Compliance.</p> <p>Introducers: Mr. Yaroslav Davidovich (Ukraine), Chairman of the Central Election Commission Mr. Jean-Pierre Kingsley (Canada), Chief Electoral Officer Mr. Zoran Lucic (Serbia and Montenegro), President of the Center for Free Elections and Democracy</p> <p>Moderator: Mr. Vladimir Lysenko (Russian Federation), Member of the Central Election Commission</p> <p><i>Discussion</i></p>
12.00 - 14.00	Lunch
14.00 - 16.00	<p>Session III: Election Observation: Challenges to Enhancing Electoral Integrity</p> <p>Introducers: Mr. Gerald Mitchell, Head of the OSCE/ODIHR Election Department Mr. Assan Kozhakov, Deputy Chairman of the Executive Committee of the Commonwealth of Independent States Mr. Rolf Timans, Head of Unit, Directorate General External Relations, European Commission Ms Vanja Scoric (Croatia), Vice- President of GONG</p> <p>Moderator: Mr. Patrick Merloe (USA), Senior Associate and Director of Election Programs, National Democratic Institute for International Affairs</p> <p><i>Discussion</i></p>
16.00 - 16.30	Break
16.30 - 17.30	<p>CLOSING PLENARY:</p> <p>Reports by the Working Session Moderators Comments from the floor Closing remarks: Ambassador Janez Lenarčič, Chairman of the Permanent Council Ambassador Christian Strohal, Director of the OSCE/ODIHR</p>
17:30	Close of Day 2

ANNEX 2: ANNOTATED AGENDA

SUPPLEMENTARY HUMAN DIMENSION MEETING “CHALLENGES OF ELECTION TECHNOLOGIES AND PROCEDURES” 21-22 April 2005 HOFBURG, VIENNA

ANNOTATED AGENDA

OVERVIEW

The 1990 Copenhagen Document presents a wide-ranging set of commitments agreed upon by the OSCE participating States for fostering the protection and promotion of human rights and fundamental freedoms and the promotion of strong democratic institutions and rule of law. It includes commitments by participating States for the conduct of democratic elections throughout the OSCE region. In the 1990 Charter of Paris, the participating States committed to “undertake to build, consolidate and strengthen democracy as the only system of government of our nations,” recognizing that “democratic government is based on the will of the people, expressed regularly through free and fair elections.”

The Office for Democratic Institutions and Human Rights (ODIHR) is the main OSCE institution for the human dimension. A key element of the ODIHR’s human dimension mandate is the promotion of democratic elections i.e., elections that are universal, accountable, transparent, secret, free, fair, and equal, and which respect fundamental human rights.

Election observation continues to identify a number of ongoing and emerging challenges, including those related to election technologies and procedures, with regard to implementation of OSCE election-related commitments and other international standards. The OSCE Supplementary Human Dimension Meeting entitled “Challenges of Election Technologies and Procedures” will focus on the following three areas:

- An overview of **new election technologies**, such as electronic voting, as well as some comparison of the main systems in use. New technologies can pose challenges to the perceived transparency and accountability of an election process, and can impact *inter alia* on overall confidence in the process.
- Ongoing challenges to **implementation** of existing OSCE commitments for democratic elections. An examination of the issues, particularly concerning: fostering public confidence as an essential element of organizing genuine democratic elections; realizing universal and equal suffrage by removing discrimination and encouraging the participation of women, inclusion of national minorities, and access for disabled persons; and establishing accountability for electoral actors through equal treatment before the law and by

the authorities and the redress of violations, and ensuring transparency through the whole electoral process.

- **Election observation:** Challenges to enhancing electoral integrity. Through the Copenhagen Document, OSCE participating States consider the presence of observers, both foreign and domestic, to enhance the electoral process, and they commit to invite observers from other participating States and appropriate private institutions and organizations. In order to ensure the transparency of all electoral processes, the election system should explicitly provide for the role of observers in all election operations. Election observers can offer recommendations with a view to improve the process, and thus can enhance overall confidence. However, as stated in the Copenhagen Document, observers undertake not to interfere in electoral proceedings.

SESSIONS

Session I: New Election Technologies: Emerging Challenges for Electoral Processes

New election technologies, such as electronic voting capacity in polling stations or remote electronic voting, have the potential to facilitate voter participation. However, new technologies may pose challenges to the perception of transparency and accountability of an election process. This session will give a brief introduction and overview to electronic voting, as well as some comparison of the main systems in use (touch-screen vs. optical scanning systems, networked vs. non-networked systems, voter-verifiable audit trail vs. non-verifiable systems, internet voting/phone voting, other methods of automated voting).

Topics for discussion will include:

- An overview of new and existing election technologies;
- Challenges and benefits of new technologies, and potential impact on voter confidence;
- Criteria electoral authorities use when choosing electronic voting technologies;
- Manner of introduction, including voter education, pilot testing and independent domestic verification;
- Challenges to observing electronic voting.

Session II: OSCE Election Commitments: Ongoing Challenges to Implementation - Copenhagen Plus as a Possible Means to Enhance Compliance

OSCE/ODIHR election observation continues to identify a number of ongoing and emerging challenges to the implementation of OSCE election-related commitments. Ongoing challenges include decreasing voter turnout, the participation of women, the

inclusion of national minorities, access for disabled voters, and challenges for other categories of voters (i.e. internally displaced persons, military voting, hospital voting, prison voting) in the election process.

In addition, adverse trends for the implementation of commitments continue to be in evidence, including: unjustified attempts to limit competition of parties and candidates; refusal of registration and/or de-registration of candidates; misuse of state administrative resources; media bias; election administration that lacks public confidence and is not sufficiently inclusive, lack of clear voter registration guidelines and safeguards to prevent abuse; lack of sufficient transparency and accountability during the vote count, the tabulation of the vote and the announcement of results; complaints and appeals procedures that do not always permit a timely and effective redress of complaints; and a lack of sufficient will to rectify identified shortcomings.

Topics for discussion will include:

- A discussion on how participating States, collectively and individually, may address the above issues, including through enhanced follow-up mechanisms and additional commitments;
- Ensuring participation of women, minorities, disabled persons; internally displaced persons, and other specific categories in the electoral process.
- Follow-up to recommendations contained in OSCE/ODIHR reports, in accordance with the Istanbul Summit Declaration;
- The role that civil society may play in promoting the implementation of such recommendations; and
- Elaboration of the concept of a “Copenhagen Plus”, which was discussed during the July 2004 Supplementary Human Dimension Meeting, as a possible means to further enhance compliance with commitments.

Session III: Election Observation: Challenges to Enhancing Electoral Integrity

OSCE participating States are committed to democracy and to holding democratic elections. In the 1990 Copenhagen Document, participating States agreed that the presence of observers, both foreign and domestic, can enhance the electoral process. Since 1996, the OSCE/ODIHR has followed a comprehensive observation methodology that is objective, transparent and accountable, and addresses developments before, during and after election day. Other international governmental and non-governmental organizations, including the European Union, have embraced the OSCE/ODIHR methodology and adopted similar approaches. In recent years, the Commonwealth of Independent States has also become active in the field of election observation. Domestic observation also contributes significantly to transparency, and hence confidence in electoral processes.

Topics for discussion will include:

- The role of international and domestic election observers (in particular domestic non-partisan observers), for enhancing the integrity of election processes in line with OSCE Copenhagen Commitments;
- Comprehensive election observation methodologies, both international and domestic, used to assess all elements of an election process – before, during and after election day;
- The interaction between international and domestic observers;
- Facilitating election observation in order to increase voter confidence.

ANNEX 3: KEYNOTE SPEECHES

➤ Bruce George, President Emeritus of the Parliamentary Assembly of the OSCE

It is an enormous honour and pleasure for me to be here as a key-note speaker to this very important conference. I must apologize for the fact that I shall have to leave immediately after this opening session as I have to return to my constituency in order to continue my campaign for re-election to the British House of Commons.

You may well be asking, “why are you giving up a day of campaigning when the election is so close; May 5th?” The answer is simple. Firstly, this conference is evaluating the future as well as the past of elections and election observation. Secondly, I believe ODIHR is at a cross roads in election observation. Elections are moving to more sophisticated methodologies and the process of observation and monitoring is to try and stay ahead of the game, lest potential cheats have their task greatly simplified. Thirdly, ODIHR itself must continue the change to meet these new challenges but this is being complicated by the fact that not only has its funding been threatened but its very *raison d’être* is being undermined. Fourthly, I am passionately committed to assisting in the critically important role of observing elections. I have headed about fifteen short term observation missions so far, most recently the sequence of elections in Georgia and Ukraine. Competent and professional observation is essential to elections and elections are central to democracy; that is why I am here.

The OSCE is one of a number of international organizations that observe elections and in my view it is the best and really must remain so. We must not have forced upon us a dilution of standards built up over the years, as some might wish us to do. There are already enough organizations purporting to be professional.

I have heard on a number of occasions that we do not work to any internationally agreed guidelines. That is just simply wrong. The Copenhagen Document or to give its full title, “The Document of the Copenhagen Meeting of the conference on the Human Dimension of the CSCE, 1990” established free elections as one of the conditions, “essential to the full expression of the inherent dignity and of equal and inalienable rights of all human beings” and it is on this basis that the OSCE ODIHR undertakes election observation. It is one of ODIHR’s key objectives to build, strengthen and protect democratic institutions as well as to promote tolerance throughout society. In my view ODIHR’s activities are a critical element in evaluating where countries are in establishing or consolidating democracy.

In a crucial ODIHR document, “Existing Commitments for Democratic Elections in OSCE Participating States” (2003) it is written that, “Although not primarily an election-related instrument, the Copenhagen Document includes wide-ranging commitments for the OSCE participating states to hold genuinely democratic elections in the broader context of respect for human rights that are free, fair, transparent and accountable through the rule of law, by suffrage that is universal, equal, and secret and that guarantee the right to be elected as well as the right to vote”.

The Copenhagen document is the all-important reference point for election observers and the reports always contain specific references to these commitments with any contraventions mentioned explicitly. Although the Copenhagen Document remains a firm basis for OSCE observation it recognizes that other organizations have contributed to international standards, and that the member states of the OSCE are signed-up to commitments given to other international organizations i.e. the European Court of Human Rights and the Code of Good Practice in Electoral Matters; the UN—particularly the Human Right’s Committees Adoption General Comment 25, which interprets the principles for Democratic Elections that are enshrined in the International Covenant Civil and Political Rights Article 25. One can also add other international organizations and their electoral standards, for example the Inter-Parliamentary Union.

The role of the OSCE/ODIHR in monitoring the implementation of the 1990 Copenhagen commitments for genuine and democratic elections is perhaps the most visible activity of the OSCE as a whole. For this reason, I would like to welcome this opportunity to engage in a broad and open discussion of this work.

As former President of the OSCE Parliamentary Assembly, I am in a pretty unique position to comment on the OSCE’s approach to election observation. The PA is proud to have been involved in many of the more than 150 missions that the OSCE/ODIHR has undertaken since its founding, and looks forward to future cooperation.

The concept of the international election observation mission, as the joint short-term effort is known as, includes not only parliamentarians from the OSCE/PA, but often also from the Council of Europe or the European Parliament. It allows these international institutions to speak with one voice, and to pursue follow-up activities in their respective frameworks. It has been my pleasure to have been appointed, by the Chairman-in-Office, to coordinate these missions at several occasions.

The presence of parliamentarians like myself at an observation, is of course providing an important additional element to different aspects of observation. It is greatly supported, indeed only made possible, by the work of the OSCE/ODIHR long-term observation mission.

Over the years, the OSCE/ODIHR has developed a world renowned election observation methodology, which has permitted it to report accurately on the major trends of every election it has observed. This approach follows the entire election process as much as resources permit, including the legislative framework, the way the political contest unfolds, the performance of the election administration, the election campaign and the implementation of related civil and political rights.

The effectiveness of the OSCE/ODIHR methodology has not only served the OSCE well, but has been adopted and adapted by certain other organizations, including the European Union. Its structured methodological approach, in other words, has made a significant contribution to professional election observation by a number of international institutions.

Last year the OSCE/ODIHR deployed, as I understand, 15 observation and assessment missions, necessitating the deployment of a record number of some 5,000 short-term and 400 long-term observers. The sustained support and commitment of the participating States is demonstrated by this significant contribution.

OSCE/ODIHR observations do not, as it sometimes said, certify elections, nor do they legitimize or de-legitimize them. The reports do not comment on the results, but assess the electoral process against OSCE commitments and standards. We are only interested in election results to the extent that they are reported honestly and accurately, and in a timely and transparent manner. This is the basis for the credibility and broad support this work has enjoyed for many years.

OSCE/ODIHR best practices for election observation include the full transparency of the methodology, as described in the newly revised “blue book” (election observation handbook), and the strength and consistency of its reporting (by public NAM reports, interim reports, statement of preliminary findings and conclusions, final reports).

The OSCE/ODIHR has also become known for its efficient communications with all election stakeholders, which enable us to draw objective conclusions resulting from listening to all sides involved in a potential dispute, and political discretion instructing us not to comment on the political outcome of the election – a rule we have always abided by. These practices have strengthened the confidence of various election stakeholders in the OSCE as a neutral and professional institution.

However, in the course of these missions, we continue to observe a number of trends that raise concerns:

- Attempts to limit competition of parties and candidates, diminishing voter choice;
- Misuse of state administrative resources;
- Pressure on the electorate to vote in a specific manner;
- Media bias, particularly with regard to state-controlled media, in favour of the incumbents;
- Election administrations whose composition is not sufficiently inclusive to ensure confidence;
- Lack of sufficient voter registration guidelines and safeguards to prevent abuse;
- Lack of transparency and accountability during the vote count, the tabulation of the vote and the announcement of results;
- Complaints and appeals procedures that do not always permit a timely and effective redress of complaints;
- Lack of sufficient will to rectify identified shortcomings.

This last point, regarding sufficient will, is of particular concern. The OSCE/ODIHR is still observing a number of elections in which participating States are not meeting their commitments, or in which serious manipulation of the election process is attempted. This is the real election challenge in the OSCE region today.

In such cases, modifying the legislative and administrative framework for elections is not sufficient to guarantee elections in line with OSCE commitments. The conduct of

democratic elections can only be established and maintained through a genuine political commitment.

Critics, particularly representatives of countries that have had critical reports from ODIHR, ask “why us?” In recent years there has been a conscious effort made by ODIHR to observe elections in countries west of Vienna. There have been missions to the United States. It undertook an assessment mission to follow the US Congressional mid-term elections in 2002 and again in the following year, sent a team to the Gubernatorial Recall Election in California. It also sent out personnel in October 2004 in advance of the Presidential Election. For the last Presidential Election the Parliamentary Assembly worked closely with ODIHR with a team of 92 observers from 34 OSCE participating states, 56 of these were deployed by the OSCE Parliamentary Assembly. They collectively published a preliminary and a final report which are available on the ODIHR website. Whilst it declared that the elections generally met international standards, it offered a number of criticisms and recommendations to the US Authorities.

The United Kingdom Parliamentary Elections on the 5th May 2005 are the latest to receive an ODIHR Election Assessment Mission. There had been previous visits to elections to the regional/national assemblies. The British have been rather smug for over a century as to the perfection of their electoral process. This self satisfaction is based on the fact that there have been very few complaints and prosecutions since 1880. The procedures on Election Day are based on the simple principle that voters are basically honest, however voting practices in Northern Ireland fell well below the standards of the rest of the country. The municipal elections in May 2004 were a clear wake up call following a number of big cities experiencing election fraud, particularly through the abuse of the postal vote. In the town of Blackburn an individual was recently jailed for 3years and 7months and others will clearly follow him into imprisonment in a number of cities.

The law needs strengthening to protect the security of the postal ballot and to minimize the risk of fraud. However more rigorous action by the police and the election authorities plus the deterrent sentence will hopefully collectively reduce the enthusiasm to cheat.

I very much welcome the observer mission to the United Kingdom. I remain confident that they will see a traditionally honest election that meets the Copenhagen standards. It is ironic that a country that formally does not permit international observers has permitted such a visit and encouraging that the government has promised to amend the legislation to ensure that international observers are present in the future.

ODIHR has embarked upon successful observation missions to countries that are long term democracies and to countries in Eastern and Central Europe which have demonstrated their will, capability and record of democratic elections. This vital work carried out by ODIHR must continue. There must be a more concerted policy. This will be costly but it will have to be done. It seems rather bizarre that for an organization denied funding even for existing commitments, should be requested to continue observing countries where democratic elections actually meet the Copenhagen criteria.

The OSCE Parliamentary Assembly and ODIHR reinforced by Parliamentarians from the Parliamentary Assembly of the Council of Europe, the European Parliament and on occasions the NATO Parliamentary Assembly; have a record of achievement in election observation of the highest order. The process has evolved quite remarkably since the initial observation process began in the early 1990's. The staffing of ODIHR has greatly enlarged and the election observation itself is undertaken by a growing number of short and long-term observers. Before 1994 election observation was more ad hoc. By the 1995 Budapest Summit its mandate was broadened to recognize the importance of the pre-election period. Even though the scope of its activities and sophistication of its methodology has advanced significantly, there are a number of changes and reforms that are and should be undertaken. Genuine criticisms of experience and feedback gained from its numerous missions must be incorporated. Yet some of the criticisms to which it has been subjected shows there are strong attempts being made not to strengthen but to dilute even undermine ODIHR's increasingly important role. It is accused of bias and of deliberately targeting Russia and its allies and subjecting them to unfair criticism of their elections. Anyone who is aware of how elections are actually observed would dismiss these charges with contempt. ODIHR is accused of not involving members of CIS states which again is unfair as some countries do not volunteer observers. There have been recent changes however, where there is greater participation from CIS countries. This is most welcome and the composition of the observation team coming to London is much more balanced by the willingness of countries to participate. Some critics have argued that the election monitors contribute to the post election crisis; the most recent such criticism was levied at observers in Kyrgyzstan. A senior Ambassador at the OSCE is reported as having said 'they, to some extent triggered a dangerous course of development in that country'. It is certainly not the intention of ODIHR to set about to achieve regime change. Its goals are far narrower and are restricted to report on the elections.

True, some observation missions have been followed by a change of government for example when Georgia, Ukraine and Kyrgyzstan had their elections but that was probably more a consequence of the corrupt electoral practices and corrupt governmental systems experienced by those countries that observation missions had highlighted.

While the OSCE/ODIHR is committed to assisting participating States in realizing their election-related commitments, in order for real progress to be achieved, a commensurate level of political will by the respective participating States, and the will to seriously discuss the OSCE/ODIHR's election findings, must be evident.

In conclusion, therefore, I want to commend the ODIHR for its excellent work in this field and to recommend that we all - governments, parliaments, experts, and the public-make all necessary efforts to implement the commitments and to ensure the necessary follow-up. This Organization's existence depends upon it successfully ensuring the protection of all human rights, including the rights to democratic, transparent and fair elections.

➤ **Alexander Veshnyakov, Chairman of the Central Election Commission of the Russian Federation**

Dear Chairman,
Ladies and Gentlemen,

Judging by its tumultuous beginning, the 21st century does not promise a path strewn with roses. Terrorist attacks affecting different countries and continents – Russia regrettably is no exception – wars and armed conflicts, natural calamities claiming lives by the thousand... Against this backdrop electoral events celebrated lately in a number of countries might seem somewhat irrelevant. I am convinced, however, that they are part and parcel of the global events which have already started to shape the century that lies before us.

For us, directly responsible for securing the rights and freedoms of man and citizen, including electoral rights and freedoms these troublesome signals should become a catalytic agent for specific and active measures if we are in fact want to ensure “security and cooperation” in the OSCE area, in keeping with the very name of the Organization.

Dear colleagues,

Organizers of the Supplementary Meeting put three key issues on the agenda:

- use of new election technologies;
- implementation of existing OSCE commitments related to democratic elections;
- observation of elections.

Let me briefly share my vision of these problems.

The issue of **new election technologies**, as you will remember, was covered at the Supplementary Meeting held last year.

We have seen considerable progress in this direction, however, not in the OSCE framework. I am talking about the Recommendations to Member States on legal, operational and technical standards for e-voting adopted on September 30, 2004, by the Council of Europe Committee of Ministers.

The Central Election Commission of the Russian Federation has gained considerable experience in this sphere. Many of you are aware or might have heard of the State Automated System “Vybory” of the Russian Federation. This is an unrivaled system in terms of territorial coverage, efficiency and reliability of election data processing. Its main advantages are transparency, security and fast election results. To give you an idea of the system performance, I’ll provide one example. Thanks to the system the CEC of Russia and the general public as early as by 9 in the morning of the day following the March 14, 2004, already had preliminary results of the presidential elections from 99 per cent of precinct election commissions (of total 95,424). By the way, Russia offered the system for the World Expo 2005 in Japan and we are getting very positive comments there.

I believe it would be worthwhile to develop recommendations regarding possible standards of the ever-growing application of advanced election technologies, taking into account the impact of such technologies on the procedure and results of the elections and the need to prevent election engineering.

Turning to the second issue on the Meeting agenda, implementation of existing OSCE commitments related to democratic elections, I would like to remind that a year ago in this very hall during a similar OSCE meeting dedicated to “Election standards and commitments” we have had a very substantive discussion of this issue. Regretfully, it takes us too long to implement our own proposals and recommendations. However, I hope that the following discussion in the framework of the second session will be constructive and fruitful and will provide momentum for a more constructive legal foundation of the OSCE activities in the electoral sphere.

On our part, I would like to confirm that we believe in the need to renew the existing national commitments in the OSCE framework to conduct democratic elections according to the 1990 Copenhagen Document. We believe it necessary to get on with the Copenhagen Plus document, taking into account new electoral technologies. At the same time we are fully aware of the complexity of the issue. The objective, however, is more than worthy – it does not water down to constriction or erosion of the applicable international election standards, but aims at a consolidation of what I would call “the electoral code” of the OSCE Participating States. The more so we already have the foundation – the recommendations agreed during relevant meetings of the OSCE Office for Democratic Institutions and Human Rights.

Analysis of national electoral legislations would contribute to a more solid basis for the Copenhagen Plus document.

Let us not forget in this context about Russia’s initiative to conduct international legal review of OSCE Participating States’ legislation to determine their compliance with international electoral standards and applicable OSCE commitments.

The third issue on our agenda – monitoring of elections – seems to be the most controversial and inciting, no doubt about it, bitter disputes at the international level.

We have to get serious about the methodology and principles guiding the OSCE elections monitoring missions. It is necessary to substantially enrich this methodology by adopting the universal method, which, *inter alia*, is used by the United Nations in the electoral sphere. The essence of the principle is to assist governments on their request in ensuring that the peoples they are governing could play a free and active part in electing their own governments.

OSCE observer missions should, on one hand, control the quality of election procedures, the thoroughness of the election legislation and compliance with the OSCE commitments, but at the same time should play the role of politically neutral assistants and consultants in preparing and holding democratic and free elections in the OSCE Participating States. Following their “mediatory” mandate they should adhere to the impartiality principle. In other words, the OSCE should not deliver political “judgments” in respect of conducted elections – the Organization simply has no rights to do that – but rather promote and develop democracy, and this component must be the cornerstone of the election observation process.

We also propose to define more exactly the OSCE election observation missions' routine.

Possible improvement measures include *inter alia* a three-level monitoring system:

- first, evaluation mission – the results of its work will provide a rationale to decide whether to send a long-term OSCE mission of observers, and whether the nation in question has implemented its democratic elections commitment (this instrument might also facilitate the development of a mechanism of state accountability for the said commitments);
- next would be a long-term OSCE mission of observers, which would draw up recommendations on whether to send short-term observers (if it is in fact required by the situation during the election campaign in the observed State);
- finally, a short-term OSCE mission of observers, if there is a decision on its necessity.

We believe it would be worthwhile to turn a critical eye to the existing practice of preparing and distributing a preliminary conclusion of the international mission on the recent elections. Why the hurry, if not to “jump to” a certain verdict on the quality of the elections? If so, then there is no need to draw the final report which takes 1.5-2 months to complete and would hardly impress anybody since the opinion of the elections has already been voiced.

We trust that conclusions should be based on a comprehensive analysis of all information, including court decisions on electoral disputes, then they should be put up for the consideration of the OSCE Permanent Council, and only after that be presented to the general public. It is important that the conclusion contain unequivocal wording as to the election's compliance to each democratic elections commitment, rather than vague and ambiguous statements.

Unfortunately, it's not always so in real life. Here's just one example from the conclusion on observation of elections in a certain State. It is known that democracy should be pluralistic. However, as applied to this State, according to the OSCE mission, this is not enough – there, democracy must also be “vital” whereas pluralism must be “effective, efficient and substantial”. The elections themselves should not only be democratic, but “normal” democratic.

Another example related to certain specific aspects of the electoral process. Russia is often criticized for the quality of its electoral registers, which are, by the way, updated and corrected every six months. At the same time, another State “boasted” totally slipshod registers, giving ground for easy manipulations with the number of voters, which for some reason failed to raise international monitors' concerns.

Or, say, the issue of voter turnout during the ballot day. Who can explain why a turnout of over 60 per cent is considered insufficient for Russia while for other States it is interpreted as a pointer of “active society”? Same thing for the high voter

involvement – in one State it is nothing but an indicator of government’s involvement while in a neighboring nation it clearly bespeaks the “nascence” of the civil society.

I used these examples not as “retaliation criticism”, but to demonstrate that a collective approach would allow us to draw objective conclusions on the recent elections, to identify directions in which we could further contribute to the democratization of the electoral process, and what is most important, will represent the position of the Organization as a whole, and not, as it is often the case, of the leaders of the observation mission, which will solve the so-called double standards problem.

Let me now turn to the composition of the joint international election observation missions. I am not sure if it is logical to use mission format involving participation of the OSCE Parliamentary Assembly, Council of Europe Parliamentary Assembly, European Parliament, and NATO Parliamentary Assembly – all of them, even if the nation holding elections is not a member of either of these organizations. But, to the best of my belief, has to perform on all obligations arising from the membership in these organizations.

Since the practice of joint missions composition is already established, I wonder why not invite representatives of other international organizations, for example the CIS Inter-Parliamentary Assembly?

OSCE observers should be recruited from the established experts in electoral law and process. I doubt that military attaché office staff employed by a number of foreign embassies, who monitored last parliamentary elections in Russia on behalf of OSCE, are competent enough. International observer candidates would probably have to go through some training and obtain relevant certificates (this could be done under the aegis of the OSCE Office for Democratic Institutions and Human Rights). Here the English language should not be a dominant requirement in the organization of international observation say in the CIS States – monitoring missions would certainly want to use more of Russian.

OSCE missions should be formed publicly and with due respect to the opinion of the receiving State, especially regarding the candidates for the leading positions. It is nothing more than paying respect to the principles set forth in Article 2 of the UN Charter, in particular of the national sovereignty principle. To raise accountability of OSCE election observation missions we propose to appoint heads of missions from the State currently presiding in the OSCE. And of course at all times engage the Permanent Council in considering candidates for mission leadership.

OSCE missions should be formed with due account of the geographic balance between observers and on an adequate proportional basis from each OSCE Participating State, proceeding from its contributions and other criteria.

I would like to turn now to the cooperation with civil society institutions. While not casting doubt on the cooperation of election observation missions with civil society institutions, necessary for an objective approach to the electoral process, I would at the same time call for a higher awareness and discretion in choosing partners, the only “advantage” of which is sometimes their declared opposition to authority. The main principles governing cooperation with public organizations should be, I believe, real

status of these organizations as relevant elements of the civil society, the official registration, rejection of any external financing, full account of various, including alternative, data and information sources.

In a word, we face many problems. I hope we will have a motivated and constructive dialogue on all of them. Anticipating developments, I would express my belief that eventually we will recognize the need to set up in a most expedient manner an OSCE Permanent Council working group with a real substantive mandate to consider the lot of urgent issues related to the improvement of electoral standards and criteria for evaluation of elections.

In conclusion I would like to wish fruitful work to all participants of the Meeting.

Thank you.

ANNEX 4: INTRODUCTORY SPEECHES TO WORKING SESSIONS

- **Session I: New Election Technologies: Emerging Challenges for Electoral Processes**
 - **Dr Jenó Szep, Adviser, Association of Central and Eastern European Election Officials**

Ladies and Gentlemen,

I would like to thank the ODIHR for having invited me to make an introductory speak on the new challenges of electronic voting.

I will talk on:

- challenges and benefits of new technologies,
- existing e-voting techniques,
- requirements to meet when adopting a new technology
- observing electronic voting

1. First I would like to say a few introductory words on challenges and benefits of new technologies

I start with the very basics. The fundamental principles of democratic elections are fixed: universal, free and secret suffrage. However the changing world, the changing lifestyle has an impact on some elements of democratic elections. For example according to international surveys voter turnout has dropped in many well developed countries in the last decade. Democracy cannot sustain without high voter turnout. Electronic voting is considered an important way to increase voter participation.

I believe that modern democracy sooner or later should provide a way of voting that reflects modern lifestyle. Electronic voting makes possible to deliver voting results reliably and quickly. It eases the access to the voting process for citizens staying abroad or just being far from home and also for people with disabilities.

2. Now just a few words on existing e-voting technologies

As you all know, there is a wide variety of different e-voting technologies. There are ballot scanners, push-button and touch-screen voting machines, telephone and internet voting, and so on. From a technical point of view it is possible to find good solutions that are safe and reliable for any of the above mentioned techniques. A technique itself cannot be judged. To decide whether a particular solution is a good choice or not, we have to see not only the technical solution but also the legal, operational environment, and the society itself. The same technique might work well for one country, while it is not adequate for another. What are the criteria to use when choosing e-voting techniques?

3. Fundamental criteria set for electronic voting technologies

The basics are that e-voting must respect all the principles of democratic elections. E-voting techniques should be as reliable and secure as democratic elections which do not involve the use of electronic means.

There are “general requirements”, and there is more. Here I am not going into details on the “general requirements”. These requirements can be described with common words like: reliability, security, verifiability, accountability, accessibility, availability and so on. I think the best description of these general requirements was formulated by the Council of Europe last year. The cited document is: “Recommendation 11 (2004) of the Committee of Ministers to member states on legal, operational and technical standards for e-voting”.

Whatever method of e-voting is to be used, an independent verification of the e-election system can be considered basically as the proof of satisfying the “general requirements”. (I just mention here that in some cases a foreign independent verification is rather advisable than a domestic one.)

I said “and there is more”. What did I mean? A voter will freely express his/her choice only if he/she has a trust in the system. So building strong public confidence in the system is necessary to fulfill the requirement of the basic principle of free suffrage. Firm public confidence is a must. And the key element to gain public confidence is the transparency of the system.

A common question is: What is the required level of transparency?

To answer this important question first I have to mention a few facts:

- the maximum level of transparency depends on the chosen technique (for instance a telephone voting technique cannot be as transparent as a ballot scanner – this is not a judgment, just a technical parameter)
- the more transparent the system the more easy to gain confidence
- public confidence depends on many factors, not only on system transparency (other factors include democratic heritage, voters education, political environment, etc.)

The answer to the required level of transparency is: The system must be as much transparent as possible allowed by the type of technology. But in any case it has to be transparent enough to ensure firm public confidence in the election process. (Thus the exact level of required transparency differs from country to country, and it also depends on time.)

4. My final topic is election observation and e-voting

What are the principles of observing electronic voting? As we have seen, transparency of the election process is important to democratic elections. Electronic equipments are less transparent than traditional means.

What an election observer can do and cannot do in case of e-voting?

There are important fields where election observation is not different than before, for instance the legal and the operational environments. The difference to paper-based voting is the observation of electronic equipments. The limitation is that an election observer can not make a thorough test of an electronic system, and can not check program codes. This is not his/her task – this has to be done by an independent verification body beforehand – as I mentioned this earlier. On the other hand an observer can check whether the system specifications met the “general requirements” and other international and national standards. An observer can check the certificates of the system issued by the independent verification body. An observer can check what measures have been taken to insure that the system in use at the election is the same as the one it has been certified. An observer can check whether the equipment is used exactly as it should be used.

➤ **Vladimir Foss, Secretary of the Central Election Commission of the Republic of Kazakhstan**

Dear Ladies and Gentlemen,

First of all, let me thank the OSCE/ODIHR for this opportunity to talk about our experience in applying new election technologies in the Republic of Kazakhstan.

In a process of development of the electoral system in Kazakhstan, a significant importance is given to applying automatic information systems.

Work on “Sailau” project started in November 2003. During its execution we made analyses of election technologies and automatic voting systems in different countries.

The outcome of the analyses was the following: each electronic voting system is unique and must comply with the country’s legislation, for which it is developed, level of population’s computer literacy and level of telecommunication systems development.

CIS and Western countries are interested in our experience. The Central Election Commission received the requests from a number of South Asia States to share experience in developing such information technologies.

Introduction of electronic voting system in developed countries is a matter of near future. We also try to hold a leading position in this issue.

Successful introduction of the system and an effective use of its advantages is our primary task. Of course we have some technical and organizational difficulties, but I believe that the “Sailau” system will become an extra evidence of economical and political strength of our democratic country.

Before we start discussing the electronic voting technologies, I would like to mention that the “Sailau” system developers were primarily concerned about how to achieve highest level of objectivity and transparency as well as effective work of voting system.

Automatic information system of electronic voting “Sailau” was based on original technology under Kazakh and Eurasia patent. Analyses of patent materials did not reveal any analogue to the proposed technology and structure of the system.

The system not only allows electronic voting. It is a complex system, which supports all stages of voting process.

We have automated all processes which are carried out by election commissions during pre-election campaign:

- collecting information about elections and referendums;
- collecting information about boundaries of constituencies and polling stations and defining location of polling station election commissions;
- collecting information about election commissions on all levels;
- registration of deputy candidates and party lists;
- distribution of verified information to all levels of the system, including the polling station level;
- use voters lists for votes manipulation;
- ballot staffing
- proxy voting;
- multiple voting;
- vote falsification;
- artificial postponing announcement of election result;

On polling stations standard equipment together with special technical equipment is used:

- standard PC;
- two electronic displays to display information about number of votes registered in the given polling stations and about number of votes who already participated in voting;
- a scanner to identify the voter;
- a printer to print out voting protocols, voters lists and other necessary information;
- voting terminals with a drive;

A number of voting terminals depend on a polling station on a number of voters in the given constituency. In general, number of terminals is equal to number of booths plus several extra terminals in case they run out of order.

If traditional system operates with paper lists and bulletins, the new technology is based on electronic registration, voting, information storage and information exchange among all levels of system. The new system is more secure than the traditional one since it uses cryptographic defense of information and procedures of electronic signature during information exchange.

Each voter can check after the elections, which way his voice was counted. This is a unique feature for the system.

Polling station voting results are processed in computer during the voting day. At the end of voting, the results are forwarded to election commission and voters through automatic printing of protocols.

Besides, the results are automatically forwarded to the upper level election commission and are loaded onto a defended memory chip which is not energy-dependent. Proxy voting is excluded.

This is a difference of the present system from those used in some of the other countries, where voting is possible on-line from the home computer. Such system requires high level of computer network penetration, reliable defense from viruses and hackers and a large number of personal computers available for population. For “Sailau” system this is also possible, but not appropriate at the moment.

High level of transparency is achieved by possibility to observe all displays, accessibility of displays for voters’ registration process and counting of results.

In the display system placed in the CEC, different charts and graphs on voting preliminary results are presented. A video-wall is set up in the CEC, which present information about turnout of voters. After finish of voting video-wall presents diagrams about results of elections in all regions.

Based on conclusion of group of experts from different political parties, the automatic information system “Sailau” was adopted by Governmental commission.

“Sailau” was used during 19 September 2004 election of deputies of Mazhilis of the Parliament of the Republic of Kazakhstan in 961 polling stations, which comprises a 10% of all polling stations. All voters had a choice either to use “Sailau” system or paper voting.

As a result of work during the 19 September elections, the “Sailau” system was positively assessed by governmental bodies, mass media and international observers.

Summing up, I would like to thank the OSCE/ODIHR for this opportunity to share with you information about electronic voting system developed in the Republic of Kazakhstan.

The Central Election Commission of the Republic of Kazakhstan is ready to co-operate with international and non-governmental organizations, other institutions, who work in the sphere of developing the legal framework for democratic elections in line with OSCE commitments and other international standards of democratic elections.

I hope that our co-operation and exchange of experience in the sphere of introduction of new election technologies will become another step on our society’s way to future.

➤ **Thomas Buchsbaum, Head of Expatriates Division of the Federal Ministry for Foreign Affairs of Austria**

1. *Introduction*

E-Voting is a rather novel topic for the broad public in the OSCE region, even if some elements of it date back to a couple of decades in theory and in practice. Worldwide, countries offering e-voting at polling stations include Belgium, the Netherlands, the USA, Russia, Azerbaijan, Brazil, Paraguay, and India at a large scale, as well as Germany, Canada, Portugal, Denmark, Venezuela and Australia at a not yet broad scale. The OSCE co-operation partner Japan is testing e-voting, for the moment at polling places, and the Republic of Korea is planning to do so, soon. Remote i[n]ternet]-voting at *real* elections and referenda can already be used at pilots in England, Switzerland, France, Spain, the Netherlands and Estonia. Countries where i-voting *tests* are carried out include Italy, Denmark, Portugal, Germany, Austria, and others.

A generally accepted understanding of e-voting, let alone such a definition, is missing. I will use that of the Council of Europe, *i.e.* "*a political election or referendum that involves the use of electronic means in at least the casting of the vote.*"

E-Voting is traditionally being sub-divided into "supervised e-voting" and "remote e-voting", depending on the fact whether the casting of the e-ballot is undertaken with or without the physical supervision of a government or election official.

Today's ICT enables both authorities and citizens to faster and better inform, communicate and interact, respectively transact, in a large variety of domains. From both these sides - government and citizens -, requests are heard for using such technology also with respect to citizens' participation in democratic processes (e-democracy, e-participation), including at elections (e-elections, e-voting).

We propose to regard remote e-voting as a means by which government and administration can and indeed should provide citizens with an easier access to government services (e-administration, e-government) and thus enhance the possibilities for citizens' participation in democratic decision-making (e-democracy, e-governance). I[n]ternet]-voting is of special interest to study: it is most globally and convenient to use, and thus most demanded; it brings about the most aspired results, *e.g.* an ubiquitous, simple and universal use including by persons with special needs, as well as higher participation and a fast and safe counting, if necessary, even outside election areas; and it is most challenging with respect to legislation, technology and operation, and to the understanding and trust by the electorate.

Some carry legitimate reservations or fears with respect to e-voting. Addressing challenges involved in e-voting should, therefore, not only encompass hard facts like legal, technological and operations issues, but also soft factors like trust and socio-cultural elements.

2. *Main challenges*

Specific main challenges include the following:

- How to safeguard the exercise of the election principles, in particular of the secret suffrage when offering remote e-voting ?
- How and when to separate the information on the identity of the voter from the vote itself, in case that this information was once connected ?, and
- How to convince legislators and citizens that a specific e-voting system is "*as reliable and secure as democratic elections and referendums which do not involve the use of electronic means*"?

By the last criterion, set by the Council of Europe, it is clear that no election system can be 100 percent secure: not a paper-based system, and not an electronic system. But it has to be *seen and accepted* as secure. - A political decision has also to be taken with respect to finding the right balance between the level of implementation and safeguarding of the different election principles, like *e.g.* a more secret or a more universal election.

Another important element for overcoming distrust by political quarters and the electorate is the involvement of the opposition from early stages, maximum openness, active information and a well-organised and supported public debate, as well as of independent auditors and hostile testers. No reports should be treated as state or company secrets, but be fully published and the actions taken upon them, explained.

3. *Main questions - and attempted interim answers*

There are a few questions which most people will ask when it comes to e-voting. We are proposing to narrow them down to four key questions whose answers are crucial when a decision to test and implement e-voting has to be taken:

- Is it safe and trustworthy?
- Does it increase participation?
- Does it reduce costs?
- Does it affect the results?

Unfortunately, scientifically proven answers to these questions are still missing. There is, however, a - limited - number of reports, which are pointing to rather similar directions.

- On the *technical* side, I will quote an internationally renowned expert in ICT security who stated the following at a recent international seminar in Vienna: "*Most technical challenges are already solved [somewhere in the world]; the rest will be*". No date can be given in this respect. This, however, does not exclude that specific systems in use in specific countries are already free from unsolved questions, in particular with respect to e-voting at polling places.
- *Participation* is expected to slightly increase through the implementation of *remote* e-voting, in particular through the involvement in elections by electors who rarely or never participate in them. This increase is dependent on electors being offered *easy* ways for participating in e-elections and of the basic understanding, that e-voting should be an additional, optional channel for the casting of the vote.

- In a long-term perspective, e-voting may reduce costs, in particular when considering that much of the investment linked to e-voting is *de facto* linked to general e-administration and would have thus been undertaken independently of the introduction of e-voting. - Cost factors should, however, not be a decisive factor for the decision whether or not to introduce e-voting.
- The results of e-votes tend to be both party-neutral as well as education-neutral and gender-neutral. The easier the use of the e-channel will be, the more people will participate and the more diverse - and thus *average* - these e-electors will be.

E-voting at present clearly attracts persons to participation who are currently less involved in elections, in particular younger persons. As this segment of the population is heavily underrepresented amongst the actual voters, introducing e-voting will result in a more equal distribution of the different age-groups in elections.

- **Session II:OSCE Election Commitments: Ongoing Challenges to Implementation – Copenhagen Plus a Possible Means to Enhance Compliance**

➤ **Yaroslav Davidovich, Chairman of the Central Election Commission of Ukraine**

Esteemed participants of the international meeting!
Ladies and Gentlemen!

On behalf of the organizers of Ukrainian elections, I would like to thank all initiators of this gathering for importance and actuality of the discussed subject – the OSCE existing commitments and in particular, Copenhagen Plus, as possible means to enhance compliance.

The election of President of Ukraine in 2004 had an immense political impact. It became a considerable political event of last year.

Firstly, the presidential election raised political awareness of Ukrainian voters. People realized, probably unexpectedly for themselves, that level of freedom and democracy in the country depends solely on them. As it is stated in the Constitution of Ukraine, “holders of sovereignty and the only source of power in Ukraine are people. People implement the power directly...” Elections become the evidence of direct implementation of the power.

Secondly, the election campaign was really unprecedented.

It was for the first time in the history, and I think not only in the Ukrainian history, that the election campaign had not two but three rounds. The third round became a result of the decision of the Ukrainian Supreme Court, which canceled resolution of the Central Election Commission “About the results of Presidential Elections in Ukraine of 21 November 2004 and the election of the President”. At the same time, the third round obliged the Central Election Commission to organize and hold repeat voting. And the Commission, implementing this decision of Ukrainian Supreme

Court, carried out all legal and organizational procedures to ensure free, transparent and fair voting based on democratic principle in extremely short timeframe. In fact, all election procedures, which normally require 4 month, were completed within 3 weeks.

We, organizers of elections, know that there are contradicting assessments of Ukrainian elections. However, the main outcome is obvious: Presidential Elections in Ukraine are clear evidence of the highest level of democracy in the country. We have endured this challenge. However, huge efforts were needed for its implementation.

International observers – 12,187 observers registered for these elections – can provide you with clear picture of the difficult path we had to pass during these elections and the level of democracy (in all rounds) observed. According to the legislation, the observers were allowed to observe election process: be present on the meeting with voters, candidates' proxies, representatives of parties (blocks) which nominated candidates, to attend the pre-election meetings as well as the sessions of the election commissions. They were allowed to get familiar with documents of pre-election campaign, to observe voting and counting at polling stations, to make photos, video- and audio- recording, to make their proposals concerning organizational issues and legislation improvement with consideration of international experience, to hold press-conferences, etc.

I am happy to mention, that the OSCE and OSCE PA observers totaled 1,687, were among the most active observers. I would like to thank all of you, first for your significant and practical help in raising voter legal culture as well as for your impartiality during assessment of the election process.

With the warmest feeling I would also like to mention, that among the most active observers, widely and fruitfully co-operating with our Commission, was OSCE Project Co-ordinator, Ambassador David Nicholas, who prematurely passed away. He enjoyed respect and prestige among authorities and civil society organizations. His professionalism and aspiration for democratic changes could assist in many new helpful projects. This loss caused us hard-felt sorrow.

Dear members of the meeting. I would like to state firmly that renewed Central Election Commission was outside influence of any political parties, in its activities followed the Ukrainian Constitution and Laws, worked within the legal framework, relied on fundamental international principles of standard elections.

Election commissions on all levels managed, under these extremely difficult circumstances, to solve all legal, organizational, financial and technical problems. Believe me, it was not easy.

Time, which passed after announcement of election results, gave the Central Election Commission opportunity to analyze the situation, to determine specific features of repeat voting, make certain conclusions which will lead to improvement of the existing election legislation.

The main conclusion is that our society and organizers of elections are ready and are aiming to implement the main political human rights: right to free, fair election, which are held with reasonable regularity and ensuring secret voting and voters free choice.

Such elections, as stipulated in Copenhagen Document, is one of the elements of justice promoting human dignity and ensuring human rights.

During our repeat voting we approached these standards. And under extremely difficult circumstances! To prove this, I will remind you examples of organization of our work during so-called third round.

One of the most vulnerable parts of the last presidential elections was a problem of voter lists and voting outside polling stations. These election procedures called for looking for immediate solution of the existing problems.

Our position is unambiguous: in Ukraine there is no alternative to establishing an unified national register of Ukrainian voters. We already set foundation for this: Verkhovnaya Rada of Ukraine adopted a respective draft law in the first reading. The Central Election Commission in consultation with the OSCE and other international organizations also contributes to the optimal model of this mechanism.

This will allow us to ensure proper functioning of the unified national voters register and achieve purpose of its existence.

One of the conditions of democratic society stated in the Copenhagen Document, is ensuring equal free elections to all citizens. For Ukraine a special feature on election day was the voting outside polling stations. According to Ukrainian legislation, only those citizens could execute their voter rights outside polling stations who were not able to attend polling stations because of health problems. On one hand, from the point of view of humane attitude to people, right to vote outside polling station for those with limited possibilities, is a real guarantee of exercising their constitutional right on participating in state governance.

On the other hand, abuse of this guarantee convinces us to follow practice of countries of so-called developed democracy: to ensure voters with limited possibilities to vote on the polling stations, and to refuse practice of “home voting”. This will require additional organizational decisions and financial resources, but there is no alternative.

Dear Colleagues,

Ukraine is solving day to day problems and is looking forward into future. We realize that perspectives for development of election processes in our country, as well as in many other countries, are connected to applying new voting technologies. One of the most effective technologies is an electronic voting. We follow the experience of other countries: Great Britain, Russia and others. But we also have our national experience.

Let me thank you once again for your interest in Ukrainian topic and for the experience we gained during this meeting and dynamic discussions.

Thank you for your attention.

➤ **Jean-Pierre Kingsley, Chief Electoral Officer of Canada**

Good morning,

First of all, I would like to thank Ambassador Christian Strohal for the opportunity to address this meeting of the OSCE (ODIHR) – “Supplementary Human Dimension Meeting: Challenges of Election Technologies and Procedures”. Ambassador Strohal’s message to us at this meeting has made it very clear that there is a need for experts and diplomats – and, dare I add, for politicians who are also part of the OSCE – to work hand in hand to pursue this important topic. I was pleased to have the opportunity to meet once again so many participants whom I met last July when I first addressed this gathering. The majority of those who heard me in July will, I hope, see the continuity in the thoughts that I expressed then and that I have the opportunity to elaborate upon once again this morning.

This segment of the program is entitled: “OSCE Elections Commitments: Ongoing challenges to implementation: Copenhagen plus as a means to ensure compliance”.

My presentation will be, as the topic suggests, an invitation for us to go further in our thinking and recognize that the OSCE finds itself at an important crossroads when it comes to the consideration of its electoral observation missions. This is all the more important when one realizes that the OSCE stands out amongst the international bodies as the one that has, in effect, established the best programs of electoral observation. In this light, the OSCE has a major responsibility to identify and meet the challenges and consequently to recognize that it is at a crossroads.

I would like to propose two main recommendations of unequal weight. The first one would be that a request by a member state for an OSCE election observation mission equates to a request, and to an agreement, to follow-up on the recommendations of the observer teams, both short and long term. This would mean that the OSCE would be receiving regular reports and updates on follow-up measures that are aimed at future progress by the member state.

The second recommendation is of greater reach and therefore requires more elaboration. It is that we opt for a new model to identify and meet the challenges that are open to us by being at a crossroads, as I have stated. To define this new model would require a gathering of experts, that is, professionals in electoral management. They would have as a responsibility the task of proposing to the OSCE an “ideal” model for electoral observation and rating electoral performance. The starting point for such a model would be the present OSCE methodology for observation which, as I have indicated before, stands out throughout the world as the best; it would be maintained fully in effect until the new model is agreed upon. In other words, present activities, both in levels and in terms of methodology, would continue at the same time as this gathering of experts would strive to take the OSCE and ODIHR even further, in terms of the development of an ideal system, in the form of “Copenhagen Plus”.

This gathering of experts would begin by considering the expansion of the number of assessment criteria to determine whether or not to accept an invitation by a member state for an OSCE/ODIHR election observation mission. The expanded criteria would

include: the legal framework, voter registration, drawing of electoral district boundaries, electoral preparations, voter information and education, equitable access to media, certification of political parties, coalitions and candidates, pre-polling complaint procedures, political financing and use of public resources, the enabling environment [i.e. level of security, acceptance of the rules of the game by the main political actors, etc.], and the protection of fundamental freedoms. This pre-event assessment would have as one of its fundamental tasks to determine whether or not the conditions are such that it is possible to hold free and fair elections. This would be in recognition of the fact that it is sometimes possible to make a judgement, before accepting such an invitation, that a country simply cannot hold free and fair elections based on their state of preparedness or some other essential criterion. The second task for this group of experts would be to set an ideal as the goal for absolutely free and fair elections; in other words, to go beyond Copenhagen, to go beyond Copenhagen Plus and, as recommended by Alexander Veshnyakov of Russia, to identify the highest possible standards for all criteria.

Afterwards, the team would measure the electoral performance in the host country, in both the short and the long term, establishing what was achieved during the election and setting a qualitative score for all criteria. In addition to the criteria I just mentioned, the team would also examine the following: polling [i.e. *voting on election day*], vote counting and compilation of results, post-election complaints, infractions and enforcement, and out-of-country registration and voting (where applicable). The evaluations for each country would take into account its culture, its democratic history and its value system, while ensuring at the same time that the minimum standards apply automatically and are met. The follow-up reports would, in effect, constitute a form of accompaniment. Through an ongoing review of the recommendations and observations that had been made by the observation team, it would be possible, for the next election (and even before the next election) to measure a country's progress (or lack thereof) against those ideal measures as well as against the previous scores for that particular country.

In conclusion, this gathering of experts would consider the feasibility of developing these ideas and creating working systems for their implementation; it would consider and advise on reasonable timeframes for its work and report back to the ODIHR and the body designated by the OSCE for that purpose.

I wish to thank you for the opportunity to share with you these thoughts and suggestions. I trust that they will provide a useful contribution as OSCE member states consider ways to further strengthen and enhance the role of the OSCE/ODIHR in the field of international electoral observation.

Thank you.

➤ **Zoran Lucič, President of the Center for Free Elections and Democracy**

The Role of Civil Sector in Implementation of the OSCE Commitments and Other Principles for Democratic Elections

The right to participate in elections that are free and fair is a fundamental human right guaranteed by the international law. Apart from the fact that the citizens are the main subject in the electoral process, bearers of the right to elect and be elected, they also

enjoy the right to get organised in order to observe and control all the processes and activities involved in the elections. There is a great number of non-governmental organizations (NGOs) in the world, established with the intention of enhancing the electoral process in states where elections are held. As an important component of the civil society, these NGOs can play a vital role in the promotion of human rights, democracy and the rule of law. It is necessary to improve the capacities of NGOs and enable them make their full contribution to the further development of civil society and respect for human rights and fundamental freedoms.

Network of Elections Monitoring Organizations – ENEMO

In sixteen countries of the former Soviet Union and the Central and Eastern Europe there is a group of 17 civic organizations, named ENEMO (European Network of the Elections Monitoring Organizations) founded with purpose of establishing co-operation through joint efforts to observe elections in their countries and to enhancing the electoral process. The ENEMO group consists of: Asociatia Pro Democratia (APD) from Romania, Centres for Civic Initiatives (CCI) from Bosnia and Herzegovina, Centre for Democratic transition (CDT) and Centre for Monitoring (CEMI) both from Montenegro, Centre for Free Elections and Democracy (CeSID) from Serbia, Coalition for Democracy and Civil Society from Kyrgyzstan, Committee of Ukrainian Voters (CVU) from Ukraine, Election Monitoring Centre from Azerbaijan, GONG from Croatia, ISFED from Georgia, It's Your Choice from Armenia, MOST from Macedonia, Obcianske Oko from Slovakia, Republican Network of Independent Monitors from Kazakhstan, Society for Democratic Culture (SDC) from Albania, Viasna from Belarus and Voice from Russia. All these non-partisan organizations are the leading domestic election monitoring groups in their respective countries.

As a part of civil society, the elections oriented organizations have a special role in the implementation of international principles for democratic elections. Apart from the elections monitoring, these organizations are preparing and conducting various projects aimed at the promotion of human rights, democracy and the rule of law. It is worth to emphasise here some of the project conducted by the ENEMO members: *Local Government Monitoring, Monitoring Of Financing Of Political Parties, Promotion Of European Values, Voters Education (especially for the first-time voters), Education Of Members Of The Poling Stations Boards, Analysis Of Electoral Legislation, Models Of Elections Oriented Laws* (including the Law On Financing Of Political Parties, Law On Political Parties, Law On Central Voters' Register, laws on election of representatives in the national and local Parliaments), etc.

Co-operation

In order to strengthen efforts for improvement of electoral process, domestic monitoring organizations from former Soviet Union and Central and Eastern Europe have established good co-operation not only in realisation of the joint election observation missions but in other activities as well. A good example of such co-operation was demonstrated between the two rounds of Presidential Elections held in Romania in December 2004. The opposition accused the Central Electoral Commission that the software used for vote tabulation was deliberately modified to incorrectly process the vote count in favour of the leading candidate from the first electoral round. Asociatia Pro Democratia, the Romanian elections monitoring

organization, offered assistance to the CEC and invited CeSID's elections experts from Serbia to inspect the CEC database of results. However, the findings indicated that the vote count was done correctly. Moreover, the findings also indicated that the vote tabulation was done in a transparent manner, since all protocols from the polling stations, including the protocols corrected by territorial electoral commissions, were scanned and offered in DVD format to all election candidates. All CeSID's findings were immediately accepted by all sides. This stopped all tensions among contestants in the electoral race. The opposition candidate won the second round.

Educational Projects

Different educational projects conducted by the election oriented organizations in various countries are very common and welcomed both by donor organizations and the authorities.

Voters' education activity is conducted either through campaigning or through training and seminars on basic elections related civic and political rights. The education encompasses introduction with the substance and significance of these rights, as well as the manners of their fulfilment and protection. Through voters' education programs, the domestic elections monitoring organizations contribute significantly to the promotion of human rights, particularly the elections related civic and political rights.

Very usual problem in various countries is lack of knowledge of the electoral processes among the members of the polling stations boards. The domestic observers are (not) expected to have more knowledge of the electoral process than the staff of the polling stations. As a matter of fact, insufficient education of the polling stations staff is usually clearly obvious at the end of the elections day in the high percentage of disordered polling stations protocols. It is estimated that at least 30% of the polling protocols in the countries where the ENEMO members operate, are incorrect and inconsistent even without any intention of the polling station staff. There is a need for better education of the members of polling station boards. Domestic elections monitoring organizations may provide and sometimes do provide this training. The training may include different topics such as rules regulating the electoral procedure, rules contained in laws and by-laws regulating voting procedure and rules regulating the vote-count procedure, as well as the most frequent irregularities registered at the polling stations.

Campaigns

Many countries are facing the problem of decreasing turnout in the elections, especially among the women and young voters. "Get out and vote" campaigns are common and often conducted by civic organizations in different countries. Some organizations are also capable of conducting targeted campaigns, focusing their efforts upon the particular territories with significant voters' resources. Highly sophisticated tools can be utilised for this purpose, including developed databases of the elections results obtained from the territories with lowest possible registered turnout of voters.

Parallel Vote Tabulation and Quick Vote Count

In order to increase public confidence in elections some organizations perform the Parallel Vote Tabulation as well as Quick Vote Count. The Parallel Vote Tabulation includes collecting and processing of the elections results from the highest possible number of polling stations, while the Quick Vote Count includes collecting and processing of the election results from the selected polling stations comprising the representative sample. Quick Vote Count enables domestic elections monitoring organizations to make an accurate forecast of final election results, shortly after the closing of polling stations. Apart from satisfying curiosity and urge of the public to know the election outcome right after the closing of the polling stations, the Quick Vote Count also plays a very important preventive role. It actually complicates any subsequent attempts aimed at manipulating the election results – this role has already been well proven in the elections held in Serbia in the year 2000, as well as in those held in Georgia in 2003.

Reforms of Electoral Legislation

Domestic elections monitoring organizations often contribute to the democratisation of the electoral processes in their respective countries, by initiating reforms of the electoral legislation. Being impartial and without any direct interest in the election outcome, domestic elections monitoring organizations are in a position to preserve their objectivity and act in a professional instead of a political manner. Furthermore, through the activity of preparing the models of electoral laws, these organizations are becoming initiators of creation of a clear and detailed legislative framework for conducting elections. This activity also includes lobbying for the implementation of international standards and principles for democratic elections, including the OSCE commitments.

- **Session III: Election Observation: Challenges to Enhancing Electoral Integrity**

- **Gerald Mitchell, Head of the OSCE/ODIHR Election Department**

The OSCE/ODIHR has just published the fifth edition of the OSCE/ODIHR Election Observation Handbook. This *Handbook* was first developed at the request of the OSCE participating States, as a result of the Budapest Decision 1994, and the first edition was produced in 1996.

The OSCE/ODIHR methodology has not been fundamentally altered since the first printing of the *Handbook* in 1996, although the fifth edition benefits from the accumulated experience of more than 150 elections that the OSCE/ODIHR has observed to date. It has expanded its focus to take account of specific issues, especially in areas such as the participation of women and the inclusion of national minorities in elections, as well as election-related commitments agreed to by OSCE participating States in addition to the 1990 Copenhagen Document.

In recognition that an election process is more than a one-day event, the Budapest Summit decided that the OSCE/ODIHR should “play an enhanced role in election

monitoring before, during and after elections”. The resulting methodology described in this *Handbook* has been at the very forefront of the international election observer community’s efforts to make a consistent and comprehensive assessment of election processes. During the span of nearly a decade, from the first edition of the handbook to the fifth, the OSCE/ODIHR has underlined the importance of long-term engagement and a process-oriented approach, in partnership with OSCE participating States, as well as other OSCE institutions and international organizations, to achieve the common objective of implementing OSCE election-related commitments.

An initial step towards the establishment of an OSCE/ODIHR Election Observation Mission (EOM) is the deployment of a Needs Assessment Mission (NAM), usually several months before a given election. A public report is subsequently produced, circulated to all participating States, which reflects the main issues and the scope and scale of the observation mission that is to be established.

The integrity of OSCE/ODIHR election observation is a consequence of its autonomy within the organization, and the credibility of its independent reporting on election processes is enhanced by its specific role. The OSCE/ODIHR Director appoints the Head of the OSCE/ODIHR Election Observation Mission. The OSCE Chairman-in-Office regularly appoints a senior representative of the OSCE Parliamentary Assembly to serve as Special Co-ordinator to lead the short-term observation for a particular election.

The OSCE/ODIHR depends upon OSCE participating States to provide them with long-term observers (LTOs), and short-term observers (STOs). For every election, the ODIHR issues a Note Verbale to all OSCE participating States, requesting that they second LTOs and STOs to support the OSCE/ODIHR EOM in meeting its responsibilities.

For each observation mission, a limited number of LTO’s and STO’s are recruited through the OSCE/ODIHR’s voluntary fund for the diversification of election observation missions, which was established in 2001. This permits citizens of eligible countries, in total eighteen OSCE participating States, that are not in the practice of regularly seconding observers to participate in OSCE/ODIHR EOMs.

During the pre-election period, the observation mission focuses its attention on the legal framework and its implementation, the registration of parties and candidates, voter registration and the preparation of voter lists, ballot design and security, the election campaign including media coverage and campaign resources, and the complaints and appeals process.

The OSCE/ODIHR methodology for election-day observation is both qualitative and quantitative. Observers fill in checklists at each polling station and counting centre visited, which provides detailed information on the voting and counting process, and which in turn provides the OSCE/ODIHR EOM with an overall profile of polling-station activity throughout the country, upon which it can draw conclusions based upon a collective experience. In addition to filling out checklists, STOs are asked to provide comments on noteworthy observations or impressions.

Election-day observation can be a very individual experience, depending on the area of deployment and the set of circumstances confronted by each observer team in the

polling stations they visit. Some observers may encounter significant problems, others may find no problems, and still others may see a mixed picture. The ODIHR election observation methodology, which provides for a contribution by each observer team, is designed to achieve an overall picture of election-day proceedings.

Observers are deployed in teams of two. Diversity of experience within an observer team, including citizens of different OSCE participating States, helps ensure a broader and more balanced view of operations at each polling station. Each team fills out only one form per polling station visit; this requires the STOs on each team to reach an agreement on their findings. This requirement provides an extra check on the accuracy of the particular observer team's findings.

The observer deployment plan is intended to ensure that teams of observers cover a balanced sample of the country on election day and that observer teams do not duplicate each others work. Depending on geographic conditions and circumstances encountered at polling stations, a team of observers may visit approximately 10 polling stations during the day. STOs may be instructed to observe some forms of special voting as part of their duties, such as mobile ballot boxes intended for the sick and elderly, voting in hospitals and prisons, early voting, voting by post, voting in embassies, and special provisions for military voting.

As the voting draws to a close, and the vote count commences, all STOs are required to observe the counting process. Some STOs are asked to accompany the official results and other polling material as they are transported from the polling station to intermediate levels of the election administration to observe the vote tabulation process.

Credible election observation requires a transparent and timely approach to reporting observation findings. The election observation mission usually releases its statement of preliminary findings and conclusions at a press conference held in the afternoon following election day. The statement is based on all of the overall findings of the EOM, including both the long-term observation and analysis and the election-day reports provided by STOs; this reflects the reality that elections are a process, not a one-day event.

The statement is a summary of key findings and conclusions on the legal framework, the election administration, the campaign and the media, as well as the election-day voting and counting processes. The statement provides a preliminary assessment of the degree to which OSCE commitments and other universal principles were upheld and how well the domestic election law and regulations were implemented. Recommendations are normally reserved for the OSCE/ODIHR final report.

OSCE/ODIHR assesses the degree to which an election process is conducted in line with OSCE commitments. It does not to validate, invalidate, or certify the results of an election. The OSCE/ODIHR EOM is interested in the election results only to the degree that they are reported accurately, honestly and in a timely manner.

A key element of the final report is a section on recommendations offered for consideration by the host government on how the overall process or elements of the process might be improved. Recommendations might include suggestions for changes in law or in election administration practices. The report always reiterates that the

ODIHR stands ready to assist the respective participating State to rectify any shortcomings identified. All OSCE participating States committed themselves in the 1999 Charter for European Security, and reiterated at the 2002 Porto Meeting of the Ministerial Council, to follow up promptly on the ODIHR's election assessment and recommendations.

Recognizing the value of co-operation with parliamentary observer groups, the ODIHR is committed to co-operation with the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE), and it also frequently partners with observers from the European Parliament. The ODIHR has established regular practices and procedures for support and co-operation with the respective parliamentary assemblies, including the provision of a thorough briefing for parliamentary observers and support for their deployment.

In closing, I would just like to add that the ODIHR has adapted its observation methodology to respond to specific circumstances arising in the context of election observation. For example, some observation missions have been limited to a long-term team, without the presence of short-term observers on election day. This has been the case in countries where past experience or a needs assessment mission indicates that serious problems on election day are unlikely at the polling-station level but that observation of the long-term process might still produce useful recommendations. Alternatively, a mission may not deploy short-term observers if it is clear at the outset, or becomes clear during the course of the election process, that conditions have not been established for a meaningful voting day.

Another initiative taken by the ODIHR to fulfill its mandate has been the development of election assessment missions. An assessment mission is normally deployed to assess elections in longer-standing or post-transition democracies and focuses on specific issues and the implementation of best practices. An assessment mission generally consists of a team of experts who visit a country for a relatively short period of time before and on election day. An assessment mission has the possibility to address issues pertaining to the overall administrative and legal framework for the conduct of elections, issues that affect elections at both the state and regional level, and polling-station procedures on a rather limited basis. Recommendations are provided as necessary.

➤ **Assan Kozhakov, Deputy Chairman of the Executive Committee of the Commonwealth of Independent States**

Mr. Chairman,
Ladies and Gentlemen,

First of all I would like to express gratitude to the organizers of the meeting for inviting me to attend it and to address it.

Election observation is more than a technical procedure as it is directly linked with ensuring human rights. Conduct of open and transparent elections is an integral part of a democratic society. To build it is a goal for all the members of the Commonwealth of Independent States.

Aware of this, the leaders of the states of Commonwealth have recognized the necessity to send CIS observers to elections and entrusted the CIS Executive Committee with the task to co-ordinate its activity.

In this way the political basis for working in this direction was set up, and the Convention on standards of democratic elections that had been accepted by the Council of the Heads of the States and the Regulations on the Observation Mission that had been approved by the CIS ministers for foreign affairs served as the basis for creating a legal framework.

Naturally, the work of the CIS Executive Committee in this direction is being conducted in line with the adopted documents.

Beginning in September 2001, the CIS Executive Committee in conjunction with the States of the Commonwealth, organized the work of 23 observation missions to presidential and parliamentary elections in 10 countries of the CIS.

It is essential to underline, that the States delegate trained specialists-representatives of election commissions, executive state bodies, deputies of national parliaments and diplomats to the CIS observation missions. The representatives of the CIS Inter-parliamentary Assembly, as well as the deputies of the Parliamentary Assembly of the Union of Belarus and Russia also participated in these missions. The overwhelming majority of these specialists possess relevant experience in observing election processes.

In addition to the high professionalism, our observers have another advantage. Our observers who are arriving in Kazakhstan from Ukraine or Belarus or vice versa do not need to spend time for additional comprehension of realities. They find themselves in the same language environment, could communicate with people and they are taking into consideration the realities and the peculiarities of the relevant state. They do not have problems in communication and understanding or in short they do not need a translator. All this allows the CIS to carry out effective observation of the preparation and conduct of elections and to evaluate objectively the election process.

In order to collect objective data about an election, the CIS observers undertake their activities as a rule in all constituencies as well as in the polling stations abroad. On election day they are permanently in touch with domestic and national observers, communicate with voters. This practice is positively assessed by the election officials.

In addition, during election day the CIS observers submit information to the mission headquarters in line with the preset form for consideration and analysis.

The result of the CIS observation mission activity is preparation and announcement of the Statement on observation that is signed by the Head of the mission and by the coordinators of the observer's groups representing legislative, executive and election bodies of the states of the CIS. In line with adopted procedures the Statement is sent to the Presidents of all the States of the Commonwealth.

The CIS observers, in line with principle of political neutrality and non-interference, always provided objective assessment of elections and they arrived to their

conclusions on the basis of their own observation, analysis of factual materials and data collected on visiting election commissions and polling stations.

The Presidents of the States of the Commonwealth positively assessed the work of the CIS observers many times.

The work of the CIS observers proved that, firstly, the institute of observers was established and is in operation. The observers are able to conduct the monitoring of the election process and assess the election results. Secondly, the institute of observers was established not as a counterbalance to the observers from the other international organizations but for objectivity of conclusions based on plurality of opinions which determine the main goal-democracy, fairness and legitimacy of election.

Recently we saw the practical steps undertaken by the OSCE/ODIHR to establish the working contacts with the CIS Executive Committee. This should be considered as one of the forms of co-operation between the OSCE and the CIS. Particularly, such interaction takes place during elections. It has become already a practice to have the regular meetings between the Heads of the both missions for exchange of information about the election campaign.

Analysis of approaches to the organization of work of the CIS observation missions and the OSCE/ODIHR election observation missions shows that there is a lot in common in assessing the concrete aspects of the election process. The work is set up on the same principles and in line with the similar methodology. The same violations of the election legal framework are being identified during this work.

For instance, during the recent election campaign in Kyrgyzstan both missions noted non-objectivity of the mass media, weakness of election legislation on cancellation of candidate's nomination, inadequate voter register, absence of the access to the various information sources for the voters and etc.

At the same time the conclusions and evaluations on the election were different.

What is the way out?

All these things call for the imperative need, and we call you to do it, to develop unified criteria of unbiased evaluation of electoral practice without double standards in the territory of the Organization.

The Heads of the States of the Commonwealth expressed their concern about this situation in the Statement dated 3 July 2004 and the Council of the Ministers of the Foreign Affairs in their Appeal to the OSCE of 15 September 2004 paid attention to necessity to develop such criteria.

And it seems to us that in the OSCE there is an understanding of this concern.

At least Peter Eicher, Head of the OSCE/ODIHR Election Observation Mission in Tajikistan while meeting Vladimir Rushailo, Head of the CIS mission, noted that "the CIS and the OSCE institutions must supplement each other". We are completely agree with such an approach.

In our view it is important to assess elections being guided not by political expediency but leaning on existing legal framework in the States of the Commonwealth. The criteria should be unified. It is necessary to exclude the assessment of the noted violations as non-existent in one case and in other case assessment of the same violations as the basis for conclusions about complete absence of democracy.

Speaking about the Commonwealth of Independent States, it is worth mentioning that almost three years ago the unified international legal document was developed - the Convention on the standards of democratic election, election rights and freedoms in the States of the Commonwealth of Independent States that was adopted by the Heads of the States.

The unique situation with development and adoption of such Convention consist in codification of the standards of the democratic election within the framework of inter-state affiliation-the Commonwealth of Independent States. In addition, these standards were secured in the format of an obligatory international legal act.

In our opinion this act could be one of the basic documents in order to develop the code of the unified criteria for evaluation of election processes, analysis of election legal framework, general methodology of objective observation and assessment of election results.

Especially, it is important for the states which are developing election systems and legal practice on the basis of the democratic values.

In view of this, it would be useful to convene a seminar on election observation technologies in the OSCE inviting the representatives of the CIS, Shanghai Co-operation Organization and other organizations having experience in international election observation.

By the way, this subject would be one of the topics for the discussion during the reciprocal visit of the ODIHR delegation to the Executive Committee of the CIS. The timing of this visit is under discussion. We would inform our colleagues about our methodology and discuss how to find ways for bringing together election monitoring in the CIS.

Esteemed participants of the meeting,

While conducting election observation in one or in another country we always witness the historic event that influence the future of the country. Therefore, while developing the international legal documents, our main goal should be ensuring the free, independent choice of the people of their future. We proceed from the understanding as it was said by Henrich Mann that “democracy is, in principle, a recognition that we all as a society are responsible for each other.”

➤ **Rolf Timans, Head of Human Rights and Democratization Unit, Directorate General for External Relations, European Commission**

Let me begin, Mr. Chairman, by thanking the OSCE Chairmanship and the Director of ODIHR for organizing this meeting. It is with great pleasure that I am attending on

behalf of the European Commission and I am delighted to be able to offer some thoughts on the role of election observation and challenges faced in enhancing electoral integrity.

There can be no doubt that the last ten to fifteen years have seen significant progress in the conduct of elections around the world. Throughout Central Europe, for example, numerous elections have been held in line with international standards, and credible, well conducted elections are being held in ever more countries around the world.

Election observation has made a major contribution to this progress. In a relatively short period of time, it has moved from being an operation with a short-term, rather ad hoc focus on the election day period, to one which, when conducted properly, applies a systematic methodology that comprehensively and rigorously assesses all aspects of an election against international standards for democratic elections. As experience shows, credible election observation can not only deter or reveal electoral fraud and irregularities, but also discourage violence and intimidation, enhance the confidence of political contestants, civil society and the electorate to participate, provide a snapshot of a whole range of democratization issues, and produce recommendations to improve the election framework and democratic environment.

At the forefront of the development and consolidation of election observation has been ODIHR, and for this it deserves our recognition and continued support. And it is from the ODIHR that the European Union drew inspiration when developing its own important capacity in the area of election observation. The EU deploys independent missions, headed by a Chief Observer, who is a Member of the European Parliament, for a number of weeks to comprehensively assess all aspects of an electoral process in line with international standards for democratic elections; the missions issue statements and reports with a view to identifying shortcomings, but also to offering constructive recommendations for improving the election process.

Using this methodology, the EU has deployed more than 30 election observation missions in the last five years to more than 20 countries around the world, from Sri Lanka to Guatemala and from Indonesia to Mozambique. Earlier in the year, a mission observed the presidential election in the West Bank and Gaza, and, as I speak, a mission is deployed to Ethiopia to observe the parliamentary elections there in May. Following the recent positive developments in Lebanon, we are currently on stand-by to possibly observe the upcoming parliamentary elections there. And we are seriously considering the possibility of deploying a mission to Afghanistan to observe the parliamentary elections in September.

But it is not just international election observation that has made a major contribution, for the role played by civil society domestic observer groups has also become increasingly important. In countries as far apart as Peru, Kenya, Sri Lanka or Ukraine, such groups have mobilized thousands of observers to safeguard the integrity of the election process. Indeed I am delighted to be followed today by Vanja Škorić, Vice President of GONG, an exemplary domestic observer group, with which the Commission's NEEDS project was pleased to work, in association with ODIHR, in organizing the largest gathering of domestic observer groups ever held in Europe in 2003. If such groups are to continue to play this valuable role in enhancing electoral integrity, it is essential that authorities ensure that they are provided with full access to

all aspects of the election process, while the groups themselves must make certain they act independently and operate to the highest professional standards.

However, despite these achievements, we must not be complacent. There is scope for further improvement. If election observation is to continue to develop to meet new challenges, I believe we must seriously address the following key issues:

1. We should seek to **agree and promote appropriate standards for credible election observation worldwide**. In this regard, I warmly commend the “Declaration of Principles for International Election Observation” and Code of Conduct that have recently been developed under the aegis of the United Nations Electoral Assistance Division, and are mentioned by President Carter in his letter to this meeting, as an excellent document that all should subscribe to and effectively implement. We should also strive to further develop guidelines for best practice in the conduct of elections, a good example of which is the “Code of Good Practice in Electoral Matters” prepared by the Council of Europe’s Venice Commission.
2. We should work hard to **further refine and develop methodology and best practice**. In this regard, the recent efforts of ODIHR to develop methodology to assess, for example, the participation of national minorities in the election process are most welcome. Moreover, in the near future, ODIHR and European Commission will publish guidelines on media monitoring which have been jointly developed, to standardize methodology in this important area. Also, recent efforts by EU and ODIHR election observation missions to observe counting and the tabulation of results more carefully and systematically have proved to be highly effective. But there are other areas where more work is required. I think in particular of voter registration, electronic voting and the establishment of common rules for the participation of IDPs.
3. We should strive to **ensure that election observers are of the highest possible quality and that missions are as representative as possible of the implementing organization**. In this area there may be lessons to be learnt from EU expertise and practice. Over the past three years or so, our NEEDS project has developed and implemented a comprehensive training programme for short and long term observers and core team observers. This has resulted in a considerable improvement, particularly in the quality of long-term observers, many of which have also participated in OSCE election observation missions. At the moment, we are making particular efforts to ensure that the 10 new Member States are properly represented in our missions and we look forward to the increasing contribution they will make in the coming years. In this context, let me just mention that the EU has repeatedly supported the ODIHR Diversification Fund, and will continue to do so in the future, hoping thus to support the organization’s efforts to achieve greater representation of its own missions.
4. There remains scope **to further improve observation mission reporting**. As we know, responsible reporting, based on verified facts, lies at the heart of credible election observation. Preliminary statements and final reports need to be consistently objective and thorough, drawing well substantiated conclusions about the conduct of an election, measured against OSCE commitments and

other international standards for democratic elections. While ideally it would be good to wait until the end of the election process before issuing a preliminary public assessment, unfortunately this is simply not practical. However, all preliminary statements must make clear that a final assessment can only be reached once all aspects of the process have been concluded.

5. We should **take care to explain our findings and conclusion and look at the way forward**. For some time now, I have felt that this is something that we must do much better. Too many times, election observation missions have released what are often critical reports, without really taking the time to explain why certain conclusions have been reached and what remedies need to be taken. To try to address this situation, we, in the EU, have started to send our Chief Observers back to the country where they led an election observation mission, to present the report to the authorities, political parties, civil society, media and international community and to participate in a round table where the findings can be discussed in detail. However, one note of caution: there can be no discussion or negotiation of reports in advance of release, for this would undermine the very nature of election observation.
6. We should **develop a clear strategy for follow-up**, which is crucial to maximizing the impact of election observation. Too often an election observation mission has returned to a country to find that problems clearly highlighted by a previous mission have not been addressed. Over the past three to four years, there has been considerable discussion on the need for follow-up, though with limited concrete results. What we need to do is to develop clear, consistent strategies involving all relevant actors, for follow-up is something that can most effectively be achieved when there is close co-operation in both the political and technical dimensions.

Finally, I would suggest that the EU and ODIHR **endeavour not duplicate resources**. Up until now, there has been an informal, mutual understanding that the EU will not deploy election observation missions to countries in which ODIHR is observing, as a result of the confidence we have in ODIHR's methodology and approach, while ODIHR does not deploy missions to countries in which the EU is observing. This has proved to be a useful and responsible arrangement which should remain valid.

Mr. Chairman, the role played by election observation over the past ten to fifteen years has been truly extraordinary and made a significant contribution to enhancing election integrity and democratic development, not only in the OSCE region, but also in many other countries of the world. Let us therefore work together to address, in good faith, the challenges that are currently before us and ensure that election observation remains a tool of excellence and confidence and continues to make an equally important contribution to the development of democracy and ultimately to the lives of millions of people.

➤ **Vanja Scorič, Vice-President of GONG**

Mr. Moderator! Excellencies and distinguished Members of the delegations of the participating states, Ladies and Gentlemen,

First of all I would like to thank the OSCE/ODIHR for having invited the representative of domestic observer's organization to contribute to this topic.

My short introduction focuses on two issues: first, on enhancing double integrity – integrity of elections as well as integrity of observing itself – and second, on role of domestic observers and their cross border cooperation and networking.

Double Integrity

Integrity is inherent in the principles of a democracy and is an integral part of free and fair elections. Without integrity, there is no guarantee that the will of the voters will be reflected in the election results. Within integrity, election observation is also a great part of the checks and balance mechanisms that protect the viability and honesty of election administration and the participation by political parties, candidates and interest groups. Elections are a process and observation is not limited solely to Election Day. Election observers ideally require access to all aspects of the election process, including all documentation and proceedings of election authorities. They should be allowed to conduct their activities free of unnecessary or burdensome restrictions, and any restrictions must be consistent with commitments in the Copenhagen Document.

Observation by non-governmental observers can be partisan (such as political party observers or a biased press) or nonpartisan (such as public interest groups or an impartial press). Whether partisan or neutral, both types of observation play very important integrity roles. Nonpartisan observers are expected to be impartial, and to provide objective reporting. As reporting on elections usually involves rendering a kind of judgment on the process, the integrity of the monitoring effort is important.

Individual citizens are also part of integrity's line of defense. A well informed voter, who asks the right questions, can expose, stop or deter an integrity problem. Even a voter who is not informed, but who questions something that just does not seem right can be an effective integrity mechanism.

Role of domestic nonpartisan observation in preserving integrity

The role of domestic nonpartisan observers in promoting a free and fair election includes detecting and deterring integrity problems by observing the entire process and signaling any irregularities or integrity problems witnessed; increasing transparency by publicly reporting on the process, identifying problems and assessing whether they had impact on the election results; making a judgment on the integrity of the elections and finally, but equally important, recommending procedural or policy changes to improve election integrity (through amendment of legislation or process itself).

In order to fulfill the role of being important integrity safeguard, effective domestic nonpartisan observation needs several qualities:

- organized structure and activity plan,
- credible reputation and transparent approach,
- accurate, impartial and balanced reporting system,

- focus on specific parts of election process,
- adequately equipped office and staff.

Domestic nonpartisan observation organizations from OSCE area recognized importance of observer's integrity and required qualities during European Domestic Election Observer Forum, held in Zagreb, 2003 where we adopted Zagreb Commitments. In these commitments we pledged to act impartially; base all reports on credible, verifiable and accurate information; maintain the highest ethical standards; provide mutual moral and technical support. We also called on all countries in the OSCE region to ensure the rights of domestic observer groups, particularly to effective access to all stages of the electoral process and receipt of financial contributions from national and international sources.

It is vital for any domestic nonpartisan observer's organization to base their activities having double integrity principle in mind. If that becomes publicly recognized and appreciated, organization has a chance to enhance its influence on election process as well as legal framework by requesting cooperation with all election stakeholders during and after elections. This allows for providing active feedback and corrections to be made during the process, rather than after, when it is too late to make improvements. In some cases, active observation can be more effective in maintaining election integrity than passive observation, which does not interact with the election stakeholders and results only in a report at the end of the process.

Cross border cooperation and networking

After years of experience in domestic election observation, several organizations from OSCE area recognized the need to share the best practice and support each other in a more consistent fashion. As concluded at ENEMO network session in Bratislava (February 2005), there are several possibilities of future joint projects: joint election observation missions to countries where it urgently needed and/or asked for by a member NGO as international support to its local observation efforts, trainings to strengthen NGOs or support new election observation groups, organizing expert forums on election issues, etc. However, this is only possible once integrity of observation is established within domestic organizations themselves and clear goal for achieving greater confidence and transparency of election process regardless of power structure is set. We hope that cross border networking will bring these future possibilities to reality.

Finally, we have witnessed over and over again that peoples are highly interested in election process as well as results. Domestic nonpartisan observer's organizations have responsibility not to disappoint them and to act as a true integrity safeguards.

**ANNEX 5: OPENING AND CLOSING REMARKS OF AMBASSADOR
JANEZ LENARČIČ, CHAIRMAN OF THE PERMANENT
COUNCIL**

Opening remarks:

Mr. Director,
Ladies and Gentlemen,

(Addressing the election-related issues within the OSCE)

Democracy is a process. And the conduct of democratic elections is one of its vital parts. Democracy can not be fulfilled at once nor merely by opening the polling stations on the Election Day. Democracy as a process can always be improved. It has to evolve so as to respond to the new challenges of our societies.

I am pleased to welcome you here in Vienna at the Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures. In the last two years this is a second SHDM on the issue of elections. In June last year a SHDM on Electoral standards and Commitments was organized, following the Maastricht Ministerial Council decision on elections. By that decision the Permanent Council was given a task, drawing on the expertise from the ODIHR, to consider the need for additional commitments on elections, supplementing the existing ones. However, by the end of the last year the discussion has not been concluded and at the Sofia Ministerial Council, less than half a year ago, no agreement among participating States was reached regarding the issue of elections.

(Democratic elections as common values of all OSCE Participating States)

This has led the Slovenian Chairmanship to set election issues as one of the priorities of our Chairmanship. **The OSCE commitments on democratic elections are at the core of the OSCE values.** The basic ground for our discussion remains, of course, the Copenhagen document, which contains the commitments that all OSCE participating States have freely entered into.

Elections are the central institute of any democracy. Therefore, it is important to take into consideration various issues raised by participating States in this regard. Recently, the debate on election-related issues has heated up. Taking into account the ongoing discussions within the OSCE, this meeting focuses on three main issues: 1) the challenges of new election technologies; 2) the challenges of implementation of existing commitments as well as addressing the need for additional commitments, and on 3) challenges of election observation.

Ladies and Gentlemen,

(Historical context and the need for Copenhagen Plus)

This April we have just celebrated 15 years since the first democratic elections were held in Slovenia back in 1990. This was the major step on our way to democracy, respect for human rights and the rule of law, economic and social development, building security, as well as independence. It was the time of the fall of

the Berlin Wall, the beginning of the new era after the Cold War. **Without any doubt, the OSCE played a key role in encouraging all these positive developments within Central and Eastern Europe.**

It was during those historical moments that the Copenhagen document was developed and adopted. There was a strong awareness of all the benefits, which clear commitments on democratic elections can bring. In this context, the OSCE participating States committed themselves also to invite the OSCE observers to monitor the compliance with the OSCE commitments during the conduct of elections. **Yet now, after 15 years, there appears to be a growing need to develop some additional commitments to the existing ones.** The ODIHR experience has shown that the election process in a number of participating States can be further improved. It is, in my opinion, also important to address the issues which were not reflected in Copenhagen set of rules. These further challenges were elaborated in a discussion paper for the last year SHDM and relate, for instance, to referendums and “recall” elections, electronic voting and counting technologies and the development of election standards by other international organizations. The important role of domestic non-partisan election observer groups should also be further addressed.

While these areas are complex and do not present a complete list of new challenges in the election field, in our opinion, **the principal issues for discussing additional commitments are (1) to further universal and equal suffrage, (2) to increase transparency in election related processes, (3) to enhance accountability of electoral authorities and contenders, and (4) to maintain public confidence in the electoral process.** The Slovenian Chairmanship is looking forward to further discussion in this regard.

(The responsibility of States for implementation of existing OSCE commitments)

It is repeated over and over again that the **primary responsibility to implement OSCE human dimension commitments lies within the participating States.** It is the fact that all modern democracies hold elections, but not all elections meet international democratic standards and commitments. It should be our common goal to ensure they do, in order to strengthen security and cooperation throughout the OSCE.

Democratic elections are not merely symbolic. They are competitive, periodic, inclusive, definitive elections in which the chief decision-makers in a government are selected by citizens who enjoy broad freedom to criticize government, to publish their criticism and to present alternatives. 1990 Copenhagen document emphasizes fundamental principles that are central to a democratic tradition and can be summed up in seven key words: **universal, equal, fair, secret, free, transparent, and accountable. Democratic elections respect fundamental human rights.** In this regard, aiming to the implementation of OSCE commitments for democratic elections should remain our priority – and the OSCE must do its part.

Ladies and gentlemen,

(The role of the OSCE/ODIHR in election assistance and observation)

Dr. Dimitrij Rupel, Chairman-in-Office of the OSCE stated recently for one of the international magazines: **“The OSCE can do its part by offering both election preparation assistance, election monitoring assistance, as well as, assistance to the ... government.** But we have to be clear. **The role of the OSCE cannot be to pick a new government; we can only help by facilitating the process and offering our expert assistance.** The positive impact of democracy, free and fair elections cannot be denied neither in America nor in Russia (not to speak about Europe and Asia). In fact, election monitoring throughout Europe and Central Asia has helped to strengthen democracies.”

I would like to support and further encourage **the OSCE/ODIHR efforts to diversify the composition of election observation missions, both through its regular channels for recruitment and through the special voluntary Fund for Diversification of Election Observation Missions.** We should also encourage the knowledge of languages widely used in the region where a particular observation takes place.

The ODIHR plays an irreplaceable role in conducting election observation. Its methodology on long-term, supported by short-term election observation has impacted the methodologies of other international organizations in monitoring elections. **In this respect the OSCE/ODIHR election observation activities are of great importance for all of us. I believe it is safe to claim that the OSCE/ODIHR is the leading regional institution in conducting election observation,** in close cooperation with other international organizations and in particular with parliamentarians from our respective Parliamentary Assemblies.

This meeting also offers **the opportunity for exchanging of information among various international organizations and institutions on their experiences and methodologies of election observation.** I am also pleased that the new revised **Fifth Edition of “The ODIHR Election Observation Handbook”** has been issued just before this meeting and will be presented during the meeting.

To conclude,

I hope that the discussions today and tomorrow on election-related issues will result in a number of **concrete and constructive recommendations on how to tackle the new challenges of election technologies and procedures.**

I am looking forward towards a fruitful and open discussion and I wish you successful work and a pleasant stay in Vienna. Thank you.

Closing remarks:

Mr. Director,
Ladies and Gentlemen,

This Supplementary Human Dimension Meeting served its main purpose: to provide an opportunity for diplomats, election professionals, international experts, election observers and governmental and non-governmental organizations for exchange of information and opinions, as well as a forum for tabling concrete recommendations

and experiences. The contributions of the NGOs were specially valid, as the SHDMs are an excellent opportunity to engage in dialogue between governmental and non/governmental sphere.

I think we have witnessed a very useful, dynamic and constructive discussion.

During all the three sessions many recommendations were made. One that appears to predominated was, in my opinion, that we should join our efforts and experiences in order to improve the implementation of the existing international standards and commitments on democratic elections.

We found all three sessions extremely useful for our work in the field of elections. The clear point was made that the experts should be more directly involved in our discussions within the OSCE on the issue of elections.

I wish to assure you that the Slovenian Chairmanship will study carefully all the recommendations and comments made during the two-day discussion and on this basis consider possible further steps.

I would like to thank to ODIHR, especially to Ambassador Christian Strohal, and the Election Department, headed by Mr. Gerald Mitchell, for all their hard work in preparing this meeting as well as in general, for all their successful work done in all fields related to elections, especially in election observation. I would also like to thank to both key/note speakers Mr. Bruce George and Mr. Alexander Veshnyakov, as well as to all the introducers and moderators for their rich contributions. In particular I would like to thank for the contributions made from the floor. They were the ones that made this meeting truly interesting.

Elections are the process, which is, as it was mentioned many times during the meeting, not only a technical one but deeply political. Therefore it is natural that the election related issues are also an important part of our present discussions on the reform of the OSCE.

These two days showed that the elections are and will remain at the very heart of the work of our organization. If I may borrow the term used by the distinguished Ambassador of Armenia, Jivan Tabibian: they are at the center of our screen.

Thank you.

ANNEX 6: OPENING AND CLOSING REMARKS OF AMBASSADOR STROHAL, OSCE/ODIHR DIRECTOR

Opening remarks:

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

I am glad to be able to welcome you to a meeting on an issue that is central to the Human Dimension and therefore central to the OSCE: democratic elections. The programme for this SHDM is rich and dense and could easily cover three entire conferences.

Our first session will be dedicated to discussions on new election technologies, in particular electronic voting. Tomorrow's morning session will discuss how to enhance the implementation of existing OSCE commitments including through the adoption of supplementary commitments, in follow up to last year's SHDM. The third session will provide an opportunity to discuss the importance of observation for the integrity of the electoral process; in this context, we also look at the findings and experiences accumulated since the international community has launched comprehensive efforts to conduct election observations. For us at the ODIHR it has been a full decade, and the Office has overall fielded in the range of 150 election observations.

To assist your deliberations, we have provided a large array of background documents. Outside the Conference room, you will find copies of all the final EOM reports ODIHR has issued during the last three years. When we include all of the needs assessment mission reports, interim reports, preliminary statements, final reports, and legal reviews, ODIHR has issued over 200 reports from the beginning of 2002 to the present.

We have also made available the latest edition of the Handbook for Election Observers which has just been completed. The Handbook is the most widely used publication of the OSCE – it is in its fifth edition and has been used by over 10.000 election observers of ours. We are grateful for the generous contributions by a number of participating States, which have allowed us to begin work on the French and Russian versions of this important publication and hope to be able to produce versions in the other OSCE languages if provided the necessary funding.

We have also again put out our compilation of Existing Commitments for Democratic Elections, which should be a useful reference document for Session II, as well as our well-known Handbooks for Domestic Observers, for Monitoring Women's Participation, and for assisting Minority Participation.

Of course all of this and more is available on-line on the ODIHR's website.

I am particularly glad that we are able to welcome so many of our partners who have worked together with us on our election activities.

I will start with numerous representatives of election administrations with whom we have worked closely for a number of years. In this context I take the opportunity to again welcome as a keynote speaker for our meeting Alexander Veshnyakov, the Chairman of the Central Election Commission of the Russian Federation. I hope that this meeting provides an opportunity for a fruitful exchange between election professionals of experiences and good practices in overcoming new as well as old challenges in meeting electoral commitments.

I welcome representatives of participating States' Parliaments, of the OSCE PA, the PACE and other assemblies that have long been our partners, in particular during our election observations. It gives me great pleasure to welcome the Right Honourable Bruce George, President emeritus of the OSCE PA, who has been with us on a number of missions and embodies the principle that "passion matters". I hope that our meeting will highlight the key role Parliamentarians have to play, not only during observations, but also in ensuring the necessary legislative framework and that the ensuing recommendations receive the necessary attention and follow-up.

I welcome also the many representatives of civil society, in particular of domestic observer groups, key actors who undertake an essential civic duty in the attempt to ensure transparent and accountable election processes.

I am also glad to see many representatives of other international organizations, many of which we have worked with very closely and which have adopted our tried methodology in their own related activities.

The OSCE's Human Dimension events are unique in that they provide an opportunity for frank exchanges of views between all these participants. I hope that the name-plates-down system will allow for an open discussion between government representatives and NGOs. I am confident that the setting will allow for constructive proposals and should lead to concrete action.

The agenda covers a wide range of issues in a very limited timeframe. Let me therefore urge all participants to remain focused on the main issues under discussion.

Ladies and Gentlemen,

To us at the ODIHR, the key question remains: how can the OSCE commitments in the field of democratic elections best be fulfilled?

Let me assure you that this is not merely a question of finding technical solutions and improvements. All too often we still notice efforts to engage in deliberate and pre-meditated attempts to unduly influence results, down to outright fraud. In such cases, modifying the legislative and administrative framework for elections is often not sufficient to guarantee elections in line with OSCE commitments. What is needed is genuine political commitment – genuine political will.

I take very seriously any concerns conveyed to me by participating States with regard to the ODIHR's election related activities. I am committed to clarifying facts of ODIHR election observation, and addressing any misunderstandings or misconceptions. I am concerned, however, about the possible motivation for some of the issues that have been raised. While the ODIHR welcomes a sincere discussion on

its findings, it cannot welcome measures that only serve as a distraction from the real issue of effective follow-up to the ODIHR's recommendations.

The OSCE family, as represented here, therefore faces the need to address the most urgent election-related topic in the OSCE, and that is the implementation of OSCE commitments. These commitments, agreed on by all OSCE participating States, have existed for 15 years. During that time, OSCE States have reiterated their support several times to those commitments, calling for longer-term observation and follow-up to the recommendations deriving from the observations. The commitments serve as a basis for our observations, as they represent what all 55 participating States believe constitutes a democratic election.

During these 15 years, we also have seen considerable progress in democratic principle and practice taking root and strengthening in many parts of the region. However, the ODIHR is still observing a number of elections in which participating States are not meeting their commitments, or in which serious manipulation of the election process is attempted. This is the real election challenge in the OSCE region today and I hope that this meeting will provide an opportunity to address it.

I look forward to a stimulating exchange of views.

Closing remarks:

Mr. Chairman,
Excellencies,
Ladies and Gentlemen,

Closing remarks are difficult after one and a half days of intense discussions with such strong participation by so many experts, the issues under discussion would have been sufficient to fill three full conferences.

At the outset of the SHDM, we had provided a large array of background documents outside the Conference room. Not only the new revised edition of our election observer handbook, but also a number of our other publications. I hope that you will take many copies back home. We have also provided a number of our past final reports, many of which contain a wealth of recommendations on how to further implement OSCE commitments. Perhaps this occasion will serve as a reminder of how much has been achieved in the past years, but also of how many recommendations still remain unaddressed.

At the outset I mentioned that the main question we must answer at this SHDM was: how can the OSCE commitments in the field of democratic elections best be fulfilled?

To this end we have heard many constructive and concrete proposals on how this could be achieved and how in particular governments, the main addressees of the OSCE commitments could improve the state of implementation. Let me again underline that implementation is not primarily a question of technical capacity, but of political will.

I am also grateful for the many recommendations directed towards the work of my office, and let me pick out a few of them:

I note that a number of participants have highlighted the need for a more conscientious and systematic follow-up to observation, as an important contribution to enhanced implementation. The ODIHR stands ready to support the Permanent Council should it wish to engage participating States more intensively on follow-up issues. In particular, should the PC decide, as was recommended, to hold regular reviews or discussions on EOM recommendations and their implementation within some months of the release of the final report.

I share suggestions to continue our work at collecting best practice and making it available throughout the region. I share the importance placed on training of observers, and we certainly will continue to participate in training programs. We also will continue giving further input to discussions on emerging issues, along the broad range identified, from electronic voting to election rights of IDPs. And we certainly are ready to further develop our capacity to assist participating States, together with other institutions and field missions.

I also take note of some critical remarks on delays in issuing final reports in recent months. Indeed, we would have liked to issue some of the more recent reports earlier, but I need not remind you that we have conducted a record number of EOMs and other work in the last months. I must take this opportunity to reiterate that all work on elections issues is done by 8 professional staff at ODIHR. Although we have requested additional resources for our work in our budget submission, we are still compelled to work under a provisional arrangement based on the 2004 unified budget. This unsatisfactory situation not only makes sound management almost impossible, but is also a lack of recognition for the excellent work of my dedicated staff. It also hampers the realization of some of the other points I have just raised.

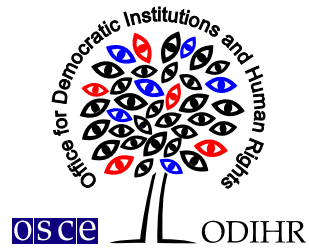
Let me say again that I take these ideas very seriously, and my Institution will continue to try to further refine our methodology and improve our work. We are also ready to continue to provide information and clarification on our methodology. And we look forward to a continuation of our debate, at the HDIM and elsewhere.

Ladies and Gentlemen,

Commitments are not abstract concepts – they are a firm and permanent promise to the 1.1 billion people in the OSCE region. This promise has to be realized, over and over again, through periodic, genuine and democratic elections enabling all voters to freely express their will, and to see it respected. The electoral process is crucial, but it is only one necessary element in the overall democratic process, encompassing strong institutions, independent judiciary, accountable government and transparent administration, continuous and unhindered parliamentary and civic engagement, and free media. My office continues to be dedicated to support participating States in the realization of such democratic governance.

Thank you.

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OSCE SUPPLEMENTARY

HUMAN DIMENSION MEETING

ON

CHALLENGES OF ELECTION TECHNOLOGIES
AND PROCEDURES

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