



Office for Democratic Institutions and Human Rights

## OSCE/ODIHR EXPERT MEETING ON ELECTION OBSERVATION

Moscow, 22-23 November 2005

### SUMMARY REPORT



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**OSCE/ODIHR EXPERT MEETING ON ELECTION OBSERVATION**  
**Moscow 22-23 November 2005**

**SUMMARY REPORT**

The OSCE/ODIHR Expert Meeting on Election Observation was conducted at the Central Election Commission of the Russian Federation on 22-23 November 2005. This meeting was the second of three expert meetings that resulted in connection with the follow-up to the April 2005 Supplementary Human Dimension Meeting on challenges of election technologies and procedures and that the OSCE/ODIHR organized at the request of the 2005 Slovene Chairmanship. The first expert meeting was held in September 2005 on the topic of additional OSCE election related commitments to supplement the existing ones<sup>1</sup>. The third meeting will be dedicated to issues related to new election technologies and will be conducted in Spring 2006.

The November 2005 Meeting on Election Observation gathered together over 50 participants drawn from inter-governmental and non-governmental organizations, parliamentary assemblies involved in election observation, electoral management bodies, and a number of election practitioners that observe elections or comment on election legislation. They exchanged information, experience, and views on election observation methodologies as employed by both international and domestic non-partisan observers. Participants discussed challenges and concerns to credible, transparent, objective and impartial election observation. Although the discussions were constructive, full consensus did not emerge on all issues under discussion, and various conclusions were drawn from among the participants.

Opening the meeting, **Ambassador Christian Strohal, OSCE/ODIHR Director**, underscored the participation of a number of election administration professionals, and emphasized the unique format of the meeting which brought together professionals who administer elections with the professionals who observe the election process. He also noted that this expert meeting was not a Supplementary Human Dimension Meeting, and subsequently opinions represented at the meeting were expert opinions, as OSCE participating States were not officially represented.

Ambassador Strohal explained that the objective of this meeting was to bring together organizations, both governmental and non-governmental, that regularly observe and comment on elections in the OSCE region together with election administration officials in order to share respective approaches, experiences, challenges and concerns. In this context, he recognized the domestic non-partisan observer groups present and highlighted the importance of domestic non-partisan election observation as a distinct but complementary activity to international election observation.

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<sup>1</sup> OSCE/ODIHR Explanatory Note on Possible Additional Commitments for Democratic Elections, 11 October 2005.

Ambassador Strohal also pointed out that the ODIHR cooperates closely and constructively with parliamentary observers who fully subscribe to the OSCE/ODIHR methodology and regularly join OSCE/ODIHR election observation missions as short-term observers on election day. He underscored the importance of this cooperation, and highlighted the presence of representatives of the OSCE Parliamentary Assembly, the European Parliament and the Council of Europe.

Ambassador Strohal stressed the importance of the 1990 Copenhagen Document as the first political agreement among sovereign States to institutionalize election observation. This landmark document paid recognition to the fact that election observation can play an important role in enhancing overall confidence in an election process, and the integrity of its conduct.

In this context, he noted the recent commemoration ceremony conducted at the United Nations to launch the Declaration of Principles for International Election Observation,<sup>2</sup> the first universal effort to outline a code of practice and a code of conduct for safeguarding the integrity of objective and impartial election observation as a shared global activity. The ODIHR's experience from the OSCE region was cited as making a rich contribution to this globally encompassing document.

**Mr. Alexander Veshnyakov, Chairman of the Central Election Commission of the Russian Federation**, speaking at the opening, assured that election monitoring is an unquestionable priority for the Central Election Commission and expressed a hope that the Russian experience would help to make the discussion fruitful. He highlighted the role of the ODIHR in election observation, and also the role of those others present, including: international parliamentary and governmental organizations; international and domestic non-governmental organizations; and election administration professionals and experts.

He noted that the meeting had been organized by a decision of the OSCE Chairman-in-Office, and represented a follow-up to the April 2005 SHDM, at which the Russian Federation made a number of proposals which in its opinion could improve election observation methodologies in the OSCE region.<sup>3</sup> These included: to follow principles of unbiased election monitoring of the OSCE and to change and improve upon the nature of this monitoring activity; that OSCE observers had recently become political controllers of the election process, but they should rather be professional consultants during preparations of the election process; to ensure the main criteria of observers' professionalism; and to make the whole process of election observation transparent and open.

Mr. Veshnyakov mentioned that the agenda of the meeting would focus on transparency of the process and confidence of citizens in election observation;

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<sup>2</sup> "Declaration of Principles for International Election Observation" (see Annex 7);

<sup>3</sup> A "Food for Thought" paper addressed to the OSCE Permanent Council on "*Further Development of Election Monitoring and Assessment*" was circulated at the expert meeting by the hosts in the name of six OSCE participating States (Armenia, Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation, and Tajikistan) (see Annex 6).

possible adaptation of election observation methodologies used by different organizations; observation of specific aspects and stages of an election process; and discussion of some practical issues of election observation and follow-up.

He expressed assurance that the discussions would help to outline ways to solve problems that he felt need to be addressed, and create a dialogue for exchange of experience among organizations working in the election observation field.

## **SESSION I: TRANSPARENCY AND PUBLIC CONFIDENCE**

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

The moderator opened Session I by stressing that election observation, both domestic and international, can serve to enhance the transparency of, and public confidence in, an election process. Credible election observation provides information to citizens about the nature of an election process, and the degree to which it respects their will. The moderator cautioned, however, that election observation can only enhance public confidence if it is conducted in a credible manner, with transparent reporting, and a corresponding transparent methodology. If election observation is not credible, it can serve to undermine public confidence in an election and in the practice of election observation in general.

The moderator further explained that OSCE participating States have committed themselves to invite observers, in line with paragraph 8 of the Copenhagen Document. Implicit in this commitment is the need to provide an adequate legal framework for observation, and full unimpeded access to all aspects of the election process. Since election observation is a relatively new concept, some of the legislation of participating States does not adequately provide for election observation by domestic and international organizations. However, some of these countries within the OSCE region are reviewing their legislation and revising it to meet their commitments.

With regard to his national function, the moderator also expressed his personal appreciation to the ODIHR, for providing reports that have helped him to do his job better. These reports have set the tone for a new discussion on reform of election legislation in the United States, and have provided the basis for follow-up visits.

The discussion following the opening remarks focused on how election observation enhances public confidence and transparency. Representatives of the election commissions of the United Kingdom and Albania commented on how ODIHR election missions had helped their countries to overcome “crises in public confidence” during elections. In both cases, ODIHR reports had been welcomed by all political parties, who view ODIHR as an impartial body.

Several participants who had experience observing with ODIHR missions stated that ODIHR election observation missions maintain a regular dialogue with all electoral actors, and make assessments based on this plurality of views. Information is substantiated and verified before it is reported, trying to establish the objective truth

based on observed fact. The ultimate aim is not only to find violations, but to make recommendations on how an election process can be improved. Both positive and negative aspects of an election process are identified in ODIHR reports. Several participants also refuted the allegation that ODIHR observation missions can lead to political instability, rather than serve as a reference point for the advantage of all concerned.

**Mr. Vladimir Foss**, Secretary of the Central Election Commission (CEC) of Kazakhstan expressed his concerns about the ODIHR's election observation missions, claiming that sources of information are selected with prejudice by the mission members, favoring the losing party, and that single cases are used to generalize a situation. He stated that the focus is to find as many possible violations as possible, and to support the opinions of the losers. He expressed further concern that premature publication of reports can fuel political action of the losing parties, and thought that reports should include the official viewpoint of the respective national election authorities.

**Mr. Assan Kozhakov**, Deputy Chairman of the Executive Committee of the Commonwealth of Independent States (CIS) stressed that observation missions should not just record irregularities, but also identify positive elements of an election. In his view, statements should be made as quickly as possible after an election, so as not to be influenced by political developments.

**Ms. Pilar Morales** of the Congress of Local and Regional Authorities of the Council of Europe stressed that observation can also undermine public confidence, for instance if several groups of election observers release different conclusions. Increased coordination is necessary to prevent this, so that citizens can have trust in observers.

**Mr. Vladimir Lysenko**, Member of the Russian CEC explained that the Federal Law on Elections to the State Duma had been recently changed, and that despite the CEC's support for domestic non-partisan observation, it was not included in the final version though the Law guarantees the rights for the party and the candidate observers. He suggested that raising domestic non-partisan observation in the context of the ongoing discussion on the possibility to adopt additional election-related commitments to supplement the existing ones, known as "Copenhagen Plus".

Several domestic observer representatives explained that they were accountable to citizens, and to be credible observers they had to gain the trust of the public. One representative explained, public confidence in an election process is proportional to transparency. At the same time, several domestic observers raised concerns that some OSCE countries do not allow domestic non-partisan observation. In addition, several domestic observer representatives commented that ODIHR election observation reports are sometimes not critical enough in their assessments.

## SESSION II: ELECTION OBSERVATION METHODOLOGIES

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

The moderator underlined the importance of the Budapest and Istanbul Summit decisions for the OSCE/ODIHR election observation methodology, and the ongoing “Copenhagen Plus” discussion on possible supplementary commitments.

The session begun with the introduction of the election observation methodologies by six of the organizations present at the meeting.

**Mr. Gerald Mitchell**, Head of the ODIHR Election Department, introduced the election observation methodology of the OSCE/ODIHR. He emphasized the importance that credible election observation requires a transparent methodology that explains how an observation mission arrives at its findings and conclusions, as fully described in the recently published fifth edition of the OSCE/ODIHR Election Observation Handbook.

He noted that in response to the 1994 Budapest Summit decision, the OSCE/ODIHR has implemented a consistent methodology for long-term election observation for a full decade, based on the objective criteria agreed by participating States in the Copenhagen Document. He explained that the methodology was founded upon a qualitative analysis of the pre-election period and a quantitative analysis of the election day proceedings as provided through checklists filled out by observers visiting polling and counting stations. The OSCE/ODIHR has further developed certain modalities to permit more comprehensive analysis throughout the election process of such issues as women’s participation and national minority inclusion in electoral processes.

He underscored the fact that while the ODIHR is dependant on its participating States for receiving all long- and short-term observers, the ODIHR is always striving to diversify its election observation missions through the OSCE/ODIHR Fund established in 2001 for that purpose.

The OSCE/ODIHR does not validate or invalidate an election – it only assesses them in line with the OSCE commitments and other universal standards for democratic elections. Election observation is not an end in itself. Recommendations are included in the final report to assist the participating States in improving their electoral process, including commentary on the legal and administrative frameworks. He noted that the conclusions drawn by the OSCE/ODIHR in approximately 150 election observation missions to date have been based on meetings with all possible actors involved in the election process, including the election administration, governmental and local authorities, political parties and candidates, media and civil society.

Mr. Mitchell emphasized that in order to ensure transparency of its comprehensive findings throughout the election process, up to and including election day, the preliminary statement is delivered shortly after election day in line with international best practice. This includes a preliminary assessment of the main issues covered since

the deployment of the observation mission some six to eight weeks prior to election day, including the legislative framework, the pre-election administration, the campaign including media access, and ultimately election day procedures and the vote count.

Mr. Mitchell underlined the importance of follow-up dialogue as mandated by the Istanbul summit, the review of election legislation (often jointly with the Venice Commission of the Council of Europe) and other technical assistance in the field of elections. He also recognized the value that OSCE/ODIHR attaches to its close cooperation with parliamentary observer groups, based on established procedures including the briefing and coordinated deployment of observers.

Finally, he noted that the efforts made by the ODIHR to develop a professional observation methodology were reflected and reinforced in the Declaration of Principles signed on 27 October 2005 by over 20 election observation organizations at the United Nations.

**Mr. Assan Kozhakov**, Deputy Chairman of the Executive Committee of the CIS, noted that in his opinion the CIS missions have many similarities with the OSCE/ODIHR approach and methodology. However, the CIS observers do not always use checklists on election day, depending on the circumstances of the host country. However, despite his contention that the CIS is implementing a similar methodology, the CIS assessments of elections often differ from the OSCE. Beginning in September 2001, the CIS undertook 26 election observation missions in 10 countries of the CIS.

Mr. Kozakhov informed that the CIS methodology for election observation was established through a number of documents, including the Convention on Standards of Democratic Elections and Electoral Rights (2002), Provisions on Election Observation Missions of the CIS to Presidential and Parliamentary Elections and Referenda (2004), and Recommendations of the CIS Parliamentary Assembly (2004), which includes a Code of Conduct for CIS observers.

The CIS Executive Committee elaborated major methodological issues for Election Observation Mission (EOMs), including the assessment of legislative frameworks, logistical requirements, and the tasks for the host countries. As a rule, CIS observers request election stakeholders who complain about the election process to submit official complaints, so as not to base their assessment on rumors. Mr. Kozakhov also underlined that it has recently become standard practice for CIS observers to establish regular contacts with the OSCE/ODIHR EOMs.

**Mr. Andrew Bruce**, European Commission, presented the election observation methodology of the European Union (EU). The EU has observed elections since the early 1990s. The initial approach was based on short visits which lacked a consistent and credible methodology. In 2000, however, the European Commission adopted a “communication” that created a credible framework for election observation, drawing on experience of previous EU missions and the practice of the OSCE/ODIHR. Since 2000, the EU has deployed 35 election observation missions to some 25 countries.



However, the EU has not deployed observation missions in the OSCE region because it recognizes the credibility of the OSCE/ODIHR.

Key aspects of EU EOMs include: careful selection of elections to be observed; political independence of observers; a long-term observation approach; assessment against international and regional election standards for elections and human rights; cooperation with other international observer missions and domestic observer groups; release of a preliminary statement within 48 hours and a final assessment report 6 weeks after the completion of the election process; and a follow-up visit by the EU Chief Observer to present the report and conduct a roundtable discussion.

**Mr. Pietro Ducci**, European Parliament, informed the meeting about the *modus operandi* of the election observation activities undertaken by the European Parliament (EP) since 1984. Recently, there has been a growth in a number of missions deployed by the EP, with 14 observer delegations sent within two years.

The European Parliament deploys short-term election observation missions composed of politicians, with delegations usually composed of seven MPs and three staff. Unlike the EU, the EP observes elections in the OSCE region, often cooperating with the OSCE/ODIHR, as well as outside of the OSCE region, usually within the framework of an EU EOM.

Mr. Ducci underlined the importance of long-term observation methodology and in this context recognized the work of the OSCE/ODIHR. He expressed the need to improve dialogue between long-term missions and short-term missions composed of parliamentarians.

**Ms. Pilar Morales**, Congress of Local and Regional Authorities presented the election observation methodology of the Congress for Local and Regional Authorities of the Council of Europe (CLRAE). The CLRAE missions arrive in a country a few days before election day, and their main activities include meeting political parties, candidates, election authorities, ambassadors of Council of Europe member States, senior government officials, etc. The deployment of a CLRAE mission is organized in close cooperation with other observer organizations, such as OSCE/ODIHR.

The CLRAE usually issues a press release on preliminary findings the day after an election, if possible jointly with other observer organizations. Detailed findings and recommendations are included in the final observation report. In the field of elections, the CLRAE works closely with the Venice Commission, which has set out electoral standards and methodological tools in its Code on Good Electoral Practice and Election Evaluation Guide.

Ms. Morales stressed the necessity for coordination between election observer groups.

**Ms. Susana Jasic**, a representative of GONG, the Croatian non-partisan observer group, spoke on behalf of domestic non-partisan election observation efforts. During the election period, GONG activists attend Central Election Commission sessions and give concrete proposals for regulations, work with the government offices responsible

for voter lists and receive citizen complaints through a hotline. GONG has also begun to monitor campaign finance.

On election day, GONG short-term observers undertake regular observation duties and collect information to carry out a Parallel Vote Tabulation (PVT). Each STO team reports three times on election day, and GONG makes three public statements accordingly, with the preliminary report issued at midnight on election day. Detailed recommendations regarding the conduct of elections are included in the final report several weeks later.

Following the presentations, discussion focused on the activities of various domestic non-partisan election observers and the different methodological approaches of international observer groups, in particular the OSCE/ODIHR and the CIS. Participants questioned why certain missions that appear or claim to use similar methodologies have different findings. Recommendations were made to use the recently adopted Declaration of Principles for International Election Observation as a basis to improve methodologies of all observer organizations.

**Mr. Bruce George**, UK Member of Parliament and President Emeritus of the OSCE Parliamentary Assembly noted that although the CIS and the OSCE/ODIHR often observe the same elections, their conclusions and reports are completely different. He stressed that the OSCE/ODIHR methodology is commonly agreed to be excellent, except by some from the CIS. He stated that Russia and its allies are mounting a systematic campaign to undermine OSCE/ODIHR election observation. While there could be room for some minor improvements in the current OSCE/ODIHR methodology, there is certainly no need for radical surgery. He suggested that most of the reform and change must come instead from the CIS. He strongly criticized most of the recommendations included in the “Food for Thought” paper made available to the meeting by the hosts and reproduced in annex 6.

The recommendations of the “Food for Thought” paper were supported by **Mr. Vladimir Karpachenko**, representing the CIS, and **Mrs. Lidiya Yermoshina**, Chairperson of the CEC of Belarus. Mrs. Yermoshina claimed that the OSCE is observing only in a few countries and is not concerned that the majority of western States are not in compliance with the commitment requiring free access for election observers.

A discussion on the CIS and OSCE/ODIHR observation activities followed, with support for the OSCE/ODIHR methodology expressed by several representatives of domestic observer organizations and questions addressed to the CIS on various aspects of its methodological approach towards election observation, including appointment of the head of mission, media monitoring methodology, etc. Credibility of the CIS post-election statements and the impartiality of its observation mission were questioned by some speakers.

Concluding the session, **Ambassador Christian Strohal** stated that the discussion demonstrated the ongoing process of developing observation methodologies by various organizations and the need for international cooperation in this field.

### **SESSION III: OBSERVATION OF SPECIFIC ASPECTS OF THE ELECTION PROCESS**

**Moderator:** **Julian Peel Yates**, former Head of OSCE/ODIHR Election Observation Missions

The moderator began by reminding participants of the key components of an election process. He proposed discussion of voter registration, candidate registration, media, complaints and appeals, voting, counting, tabulation and announcement of the results, as well as new voting technologies. He emphasized that most of these elements are best observed by long-term observers, but noted that the contribution of the short-term observation on election day was also very important.

The moderator underlined the concept of “political will” as being often commented on by observers, and noted that the political will of politicians largely determined what kind of process could be delivered by the respective election administration.

During the discussion, the OSCE/ODIHR methodology for media monitoring was presented by an ODIHR external expert as being both quantitative (amount of airtime granted to contestants) and qualitative (tone). The aim of the monitoring is to establish whether contestants have had unimpeded access to the media and whether voters have enough information to make an informed choice. This intervention provoked a lively discussion on the role of the media during elections.

Several participants expressed the view that State media favors the government and independent media favors the opposition. One election administrator suggested that media monitoring should not count the coverage of officials in the performance of their official activities, even during the campaign period. The expert responded that State media in particular has a clear responsibility to provide balanced coverage of all candidates, and media should not be divided into pro-government and pro-opposition outlets, but should provide positive and negative information on all candidates. Although advantages of incumbency exist in every country, there should be a distinction between when incumbents are shown in a newsworthy context, and when they are shown in order to monopolize airtime.

**Mr. Zenonas Vaigauskas**, the Chairman of the Lithuanian CEC cautioned that election authorities should not adopt a too formalistic approach towards media provisions of legislation, and should act to ensure the objectivity of the media and prevent its monopolization by one political force. Election commissions also need mechanisms for the monitoring of campaign expenses in the media.

The work towards a publication of OSCE/ODIHR Media Monitoring Guidelines was announced to participants. The publication, produced jointly with the European Commission, would provide information to election authorities as well as media outlets on what methodology is used for OSCE/ODIHR media monitoring.

The difficulty of monitoring campaign expenses was noted by several participants. In addition, a domestic observer representative pointed to the difficulty in monitoring cases of “vote buying,” when people are too afraid to testify or provide evidence.

Monitoring of new voter technologies was acknowledged by several participants as an area requiring further development of methodology and expertise, and the need to share best practices on this issue was noted.

Several domestic observer participants raised concerns regarding restrictions on domestic observer activities that prevent them from effective observation of all stages of an election process, and insisted that election observation should not be limited to election day. One participant pointed to the importance of domestic observer groups as being the only ones with the necessary capacity to conduct a Parallel Vote Tabulation (PVT).

Another domestic observer representative questioned what aspects of the election process are observed by the CIS, and further expressed that OSCE/ODIHR reports sometimes are not critical enough. In his opinion, NGOs have a broader perspective of the entire election process than international observers.

A CIS representative gave further information about the role of CIS observer missions, explaining that they gave advice to the CEC between elections in Kyrgyzstan, and that in Kazakhstan, long-term observers were already deployed to observe the pre-election period of the presidential election scheduled for 5 December 2005. Although the CIS has some financial constraints, he stated that the CIS tries to cover the pre-election period in a similar way as the ODIHR.

**Mr. George** referred to cooperation between domestic and international observers as crucial, and noted the professionalism of many domestic observer organizations in the region. At the same time, **Mrs. Yermoshina** stated that domestic observers are never impartial and have an automatic political bias. She recommended that the ODIHR meet with a broader range of domestic civic groups, and not only those who are critical of the government. Similarly, she said, international observers bring along their national interests and preferences, and the ODIHR should be careful who it selects as EOM members.

**Mrs. Yermoshina** expressed concern that large numbers of international observers could overwhelm the election authorities and adversely affect their work.

The moderator concluded the session by pointing out that the meeting was a unique opportunity for “the observers” and “the observed” to meet together and discuss common issues.

## **SESSION IV: PRACTICAL FRAMEWORK FOR THE DELIVERY OF ELECTION OBSERVATION AND FOLLOW-UP**

**Moderator:** **Ambassador Geert Ahrens**, former Head of the OSCE/ODIHR  
Election Observation Missions

The session focused on practical aspects of credible election observation. The moderator opened the discussion by identifying potential topics for discussion: the minimal conditions for election observation; Codes of Conduct; modalities for recruitment, secondment, deployment and training of observers; cooperation with parliamentary bodies; delivery of findings; follow-up dialogue to facilitate implementation of recommendations from election observation reports; and identifying areas for further strengthening of election observation methodologies.

**Mr. Alexander Veshnyakov** stated that the ODIHR has enormous experience in election observation, and any suggestions are to improve, not to revise its work. He noted that all observation must be conducted impartially and on a non-partisan basis, recalling that the purpose of election observation is to assist OSCE participating States to improve legislation and practices.

During the session, Mr. Veshnyakov presented a number of the proposals contained in the “Food for Thought” paper previously distributed in the Permanent Council by some CIS countries. These proposals were in reference to the method of appointing Heads of OSCE/ODIHR EOMs, diversifying the composition of EOMs, ensuring the training of observers, the timing of post-election statements, the composition of the short-term observation missions, management aspects of EOM planning, the use of Russian language in addition to English in EOMs conducted in CIS countries and post-election follow-up. He stated that the fact that there are separate statements by some observers indicates that not all views are being taken into consideration by those observer missions.

In response, several speakers stated that the proposals would weaken the independence, credibility and effectiveness of OSCE/ODIHR election observation, reducing it to the “lowest common denominator.” Recalling that the “Food for Thought” proposals were directed to the Permanent Council, the moderator requested the participants to focus only on those aspects of the proposals that addressed the work of the EOMs while deployed. The moderator noted that there is first a need to identify if there are in fact problems with the ODIHR methodology, as there is no need to fix something that is not broken.

There was general agreement that EOMs must make public statements within 24 hours of the close of polling for reasons of transparency and credibility. It was noted by several participants that the public expects an assessment, and that failure to make a public statement might suggest that political pressure or motivations are obstructing an observation mission from publicly sharing its findings.

Several speakers discussed the process of preparing the OSCE/ODIHR EOM preliminary statement, noting in particular that an EOM is not a conglomeration of national delegations, but a unified mission, represented by its Head of Mission. Long-

term observers send weekly reports to the Head of Mission and are also debriefed on their observations prior to election day. The draft preliminary statement is prepared largely by the core team analysts based on the findings of long and short-term observers.

Election day information is compiled from the questionnaires filled in by the short-term observer teams and is analyzed on a statistical basis, which requires a statistically relevant number of questionnaires. There is a regional debriefing of short-term observers on the morning after the election. The draft preliminary statement is discussed with the heads of the parliamentary delegations and carefully analyzed. It is very clear that these statements are preliminary in nature and may be updated to take into account post-election developments, including the tabulation of final results and the complaints and appeals process.

Some speakers remarked that it is possible to introduce refinements to the process, particularly regarding the participation of parliamentarians, who on occasion influence the timing of the post-election press conference due to travel plans. Mr. George noted that as elected officials, parliamentarians bring an important viewpoint to election observation and that there should be cooperation with parliamentary delegations.

Ambassador Ahrens stated that it is not possible in view of time considerations to provide the authorities of the host country an opportunity to include a written response to the preliminary statement. Moreover, if the authorities were consulted, then the opposition would also have to be consulted. Other speakers stated that separate statements by some observers are not useful, because individual observations represent a small fraction of the total observations. The full picture is apparent only by taking into consideration the collective views of all observers in an election observation mission.

There was some discussion of the possibility of using Russian language as well as English in OSCE/ODIHR EOMs in CIS countries. Some speakers noted that many of the analysts in the EOMs speak Russian, as well as some of the long-term and short-term observers, but found it impractical to expect all observers to be bilingual. **Mr. Veshnyakov** highlighted that Russian is an official OSCE language.

Mr. Veshnyakov also stated that while there is no doubt that there must be international election observation, the requirement for domestic non-partisan observation is not as clear and could be included as an additional commitment in proposals for Copenhagen Plus. He stated that the Russian Federation complies with OSCE commitments regarding domestic observation.

**Mrs. Yermoshina** raised the issue of EOM interim reports, stating that these should not contain assessments, but only information and that, otherwise, these reports could constitute interference in the election process. Other speakers stated that great care needs to be taken in issuing interim reports but that these are part of the transparency of the EOM. In providing a picture of the process, the interim reports can assist the authorities to make improvements in the election process.

## **Summary of Participants' Conclusions**

The objective of the Expert Meeting on Election Observation was to bring together representatives of organizations, both governmental and non-governmental, that regularly observe and comment on elections in the OSCE region to share respective approaches, experiences, challenges and concerns. In addition, the participation of election administrators provided a unique format for an exchange of views between election observers and professional election administrators.

While a fuller consensus on the issues under discussion during the expert meeting on election observation would have been a welcome outcome, the format of the expert meeting permitted a wide-ranging discussion, and in this sense the meeting met its objectives.

However, the circulation at the expert meeting of the "Food for Thought" paper addressed to the OSCE Permanent Council on "Further Development of Election Monitoring and Assessment" did not provide a foundation for broader consensus, and in many instances served to further divide opinion.

While full consensus on many issues was not apparent, a number of opinions were expressed, and conclusions could be harvested from amongst the array of opinions that were offered during the discussion. The following conclusions were therefore drawn from amongst the individual participants offering a diversity of viewpoints:

### **Election Observation Methodologies**

- A consensus around the importance of election observation emerged while recognizing the need for some improvements in observation methodologies;
- Although support to the comprehensive ODIHR election observation methodology was widely expressed, reservations were heard from some participants and criticisms were reflected in the "Food for Thought" paper emanating from some CIS countries;
- Recommendations were made to use the recently adopted Declaration of Principles for International Election Observation as a basis to improve methodologies of all observer organizations.
- Election observation is not intended to validate or invalidate an election, but to assess it in line with agreed upon commitments;
- election observation can only enhance public confidence if it is conducted in a credible manner;
- credible election observation requires a transparent methodology that is outlined in a public document and that explains how an observation mission arrives at its findings and conclusions;
- If election observation is not credible, it can serve to undermine public confidence in an election and in the practice of election observation in general;
- all observation must be conducted impartially and on a non-partisan basis, recalling that the purpose of election observation is to assist OSCE participating States to improve legislation and practices;

- The ultimate aim is not only to find violations, but to report equally on positive trends and to make recommendations on how to improve an election process;
- While cooperation and coordination with parliamentary observer groups during election observation missions was considered important and overall effective, it could be further strengthened;
- The OSCE/ODIHR is able to cooperate closely with parliamentary assemblies that subscribe to the methodology employed by OSCE/ODIHR for the last decade;
- the political will of politicians largely determined what kind of process could be delivered by the respective election administration;
- The importance of follow-up dialogue was emphasized to consider recommendations and their implementation;

### Reporting

- Interim reports can assist the authorities to make improvements in the election process; On the other hand, the view was expressed that these reports could constitute interference in the election process;
- the preliminary statement should be delivered shortly after election day (within 24-48 hours) to ensure transparency of comprehensive findings throughout the election process, up to and including election day;
- statements should be made as quickly as possible after an election, so as not to be influenced by political developments;
- On the other hand, the view was expressed that the premature publication of reports can fuel political action of the losing parties;
- Observer reports should include the official viewpoint of the CEC;
- On the other hand, the view was expressed that if the authorities were consulted, then the opposition would also have to be consulted;
- Election observation findings should not be based on rumors but on verified information;

### The Media

- State media in particular has a clear responsibility to provide balanced coverage of all candidates, and media should not be divided into pro-government and pro-opposition outlets, but should provide positive and negative information on all candidates.
- Although advantages of incumbency exist in every country, there should be a distinction between when incumbents are shown in the media in a newsworthy context, and when they are shown in order to monopolize airtime.
- The importance of monitoring campaign finance was noted, but the difficulty of monitoring campaign expenses was also noted by several participants;
- Monitoring of new voter technologies was acknowledged by several participants as an area requiring further development of methodology and expertise, and the need to share best practices on this issue was noted.



### Domestic non-partisan Observers

- The importance of domestic non-partisan election observation as a distinct but complementary activity to international election observation was underlined; and restrictions on domestic non-partisan election observers in some OSCE participating States were noted with concern;
- the cooperation and coordination between domestic and international observers was considered crucial, and the professionalism of many domestic observer organizations in the region was remarked;
- On the other hand, the view was expressed that that domestic observers are never impartial and have an automatic political bias;
- A broader range of domestic civic organizations should be met during observation to ensure balance of views.

### Commitments

- Legislation of some OSCE participating States does not adequately reflect the commitment to provide for domestic and international election observation;
- However, some of these countries within the OSCE region are reviewing their legislation and revising it to meet their commitments;
- A possible Copenhagen Plus document should include a commitment on non-partisan observers as an essential contribution to the transparency of an electoral process besides party and candidate observers.

## ANNEX 1: OPENING REMARKS

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

Dear Ladies and Gentlemen,

On behalf of the Central Election Commission of the Russian Federation I would like to welcome you to the Expert Meeting on Election Observation and Improvement of Observation Methodologies.

We are happy to see among participants:

- our colleagues from the OSCE/ODIHR directed by Ambassador Christian Strohal,
- representatives of respective international parliamentary and governmental organizations,
- OSCE/ODIHR external experts,
- colleagues from election commissions from a number of states,
- representatives of international and domestic non-governmental organizations.

Since our Meeting is held in the premises of the Central Election Commission of the Russian Federation, exercising my right of a hosting side, I would like to open this meeting.

Dear Colleagues,

As you know, this meeting is organized by a decision of the Chairman-in-Office as a result of SHDM held in Vienna on 21-22 April 2005, when the Russian side made a number of proposals to improve election observation methodologies in all OSCE participating States. I would like to remind you of the Russian approach:

- firstly, to follow principles of unbiased election monitoring of the OSCE;
- secondly, to change the nature of this monitoring activity. OSCE observers recently became political controllers of the election process. They should rather be professional consultants during preparations of the election process;
- thirdly, to improve the election monitoring methods;
- and finally, to ensure the main criteria of observers' professionalism, to make the whole process of elections (starting from establishment of EOM until the preparation of the final documents) transparent and open.

I am delighted to point out that our proposals were welcomed. Some are already being implemented by the OSCE/ODIHR, others need deeper analysis and discussion. The main aspect is that we all realize that we are talking not only about particular complaints towards the organization in general, but about an open wish to improve the political and sensitive sphere of election observation. We do have something to discuss here.

I assure you that features of election monitoring are an unquestionable priority for the Central Election Commission. That is why we welcomed the proposal to hold this meeting in our premises. We hope that the Russian experience will help to make our discussion fruitful.

Dear Colleagues,

During these two days we need to discuss the following issues:

- transparency of the process and confidence of citizens in election observation;
- adaptation of election observation methodologies used by different organizations;
- observation of specific aspects and stages of an election process;
- discussion of some practical issues of election observation and follow-up.

As you see, our program is extensive and touches deep problems. This should not confuse us, since we have specialists in the election field with large experience in international election observation.

I am sure we will succeed in solving our problems, in particular, improving methodologies of international observation in the OSCE region and establishing a practice of exchange of experience with other organizations working in the election observation sphere.

Thank you for your attention.

**Ambassador Christian Strohal**, Director, OSCE Office for Democratic Institutions and Human Rights

Dear colleagues,

I thank the Chairman of the Central Election Commission once more, for his opening remarks and for the hosting of this meeting. I would like to follow on the words of the Chairman in situating this meeting in a specific context.

This is one of three meetings that we are organizing in response to a request of the OSCE Chairmanship on three issues that have emerged, not only from the last SHDM, but from discussions in the OSCE framework over a couple of years. The first expert meeting we held a couple of months ago in Warsaw on the question of possible supplemental commitments to the Copenhagen Document. That meeting, one of several, resulted in a paper to the 55 participating States on the possible three principles of transparency, accountability and public confidence as principles that could be made explicit as additional commitments. The second meeting in the series is this one, and the third meeting we will have next year on new election technologies, in the context of the ODIHR extra-budgetary project on challenges to observing new election technologies.

This expert meeting is about an issue important for all of us, election observation, and how to put it to the benefit of everyone concerned, including where the observation takes place. It is not a Supplementary Human Dimension Meeting, it is an expert meeting. The emphasis has been on bringing together organizations, both governmental and non-governmental, that regularly observe and comment on elections in the OSCE region, to share respective approaches and experiences.

Contrary to the Supplementary Human Dimension Meetings, OSCE participating States are not officially represented at this meeting. It is, of course, enhanced by the participation of a number of election administration professionals, who have the responsibility of delivering elections to their people, and whose day to day work as trustees of the election process places them at the very center of the democratic process overall.

We are very happy to have this format where we can bring together the professionals who administer elections with the professionals who observe the process. The latter category of course includes a number of domestic non-partisan observer groups, whose presence here is in recognition of the importance of domestic election observation as a distinct but complementary activity to our own efforts as international election observers.

The ODIHR cooperates closely and constructively with parliamentary observers who often join as short-term observers on election day, and I am therefore pleased that both the OSCE Parliamentary Assembly and the European Parliament are represented at this meeting. The Parliamentary Assembly of the Council of Europe was also invited, but due to a sudden illness could not be present.

Before we begin our discussion on election observation, I would like to refer once more to the 1990 Copenhagen Document, which is at the basis not only of the commitments vis a vis democratic elections, but also vis a vis inviting election observers. It is significant as the first political agreement among sovereign states to institutionalize election observation. This is recognition of the fact that election observation can play an important role in enhancing overall confidence in an electoral process, and the integrity of its conduct.

Following closely on the 1990 Copenhagen meeting, there was a meeting here in Moscow in 1991 of the OSCE member states, which emphasized the promotion of democratic elections as a pillar of stability and regional security, by declaring that matters pertaining to democracy and human rights are of a direct and legitimate concern to all OSCE member states.

Let me conclude with a quote by UN Secretary General Kofi Annan. "The presence of international election observers, fielded always at the invitation of sovereign states, can make a big difference in ensuring that elections genuinely move the democratic process forward. Their mere presence can dissuade misconduct, ensure transparency, and inspire confidence in the process."

The Secretary-General's remarks were made at a meeting that I had the honor to attend last month at the United Nations in New York, where along with

representatives of a number of other intergovernmental and non-governmental organizations, a Declaration of Principles for International Election Observation was recognized and supported. This was the first universal effort to outline a code of practice and a code of conduct for safeguarding the integrity of objective and impartial election observation as a shared global activity and responsibility, and we were glad to see that the experience from our office was very much reflected in that document.

In the next couple of days we can come back to the content of that document and see not only how it reflects the methodology of our own observation methodologies, but also how it can inspire us to take this activity forward. It will be interesting for the ODIHR to hear how all of you here are addressing these shared challenges and concerns related to election observation. I am certainly ready, along with our election team, who are rarely in one place together, to help to explain what we are doing and how we are doing it, and how we are guided by the commitments. In the 30<sup>th</sup> anniversary of the Helsinki final Act it is the commitments that must take center stage, not only for us, but also for the participating States.

## ANNEX 2: CLOSING REMARKS:

**Ambassador Christian Strohal**, Director, OSCE Office for Democratic Institutions and Human Rights

Ladies and Gentlemen,

I will not attempt to summarize or wrap up. But as I have remained largely silent, I want to go through my notes which I took over these two days and try to distill a few key issues of a general nature which we have been discussing.

The first one is really going back to the first word which Chairman Veshnyakov said at the beginning, which is the word “professionalism”. I think this was a pretty unique meeting not only because of its location which is splendid but also because of its composition. I think there has been an enormous amount of experience and expertise together from all sides of the election process, and I think one element which I want to highlight particularly are the domestic observers, because they have a closeness to the ground and a feeling for the immediacy of an election which I don’t think any international observer can ever bring to the table. So I have the feeling that this composition has been very useful, at least for me and perhaps for all of us, to discuss election observation.

The second point which I think comes immediately following that of professionalism is “public confidence” and “transparency” as really key principles both for electoral processes and observation. This was expressed in a nutshell by the representative of “GONG” by saying that the level of public confidence is directly proportional to the level of transparency, and that is of course is why we are sitting here. The OSCE commitments make this very clear that both international and domestic observation can enhance transparency and therefore public confidence. But this is not only about the election process and election administration, but also about election observation itself which must be equally transparent and accountable because otherwise it could undermine the confidence in the election process just as unaccountable and non-transparent election administration can undermine confidence.

I think that in this context it is probably worth noting that today the current Chairmanship of the OSCE is circulating in Vienna a draft Decision for the Ministerial Council on additional commitments to supplement the existing ones. That again is something where we have been in co-operation for quite a while, several years in fact, and this is what is normally known under “Copenhagen Plus”, which is a draft decision, which has been at the end of lengthy, inclusive and a very expert process. The exercise has involved trying to make three principles fully explicit, which are there in the Copenhagen Document but more implicit than explicit, the principles precisely of transparency, accountability and public confidence. Personally I am confident that if the Chairman-in-Office is putting such a draft decision on the table, they are themselves sufficiently confident that this meets a broad consensus among the participating States.

This brings me to the next point which is very much among the objectives of this meeting, that we want to have this meeting as a basis for an open exchange of views on existing methodologies, for sharing best practice. Certainly, in this regard we had a very interesting exchange of information, views and also of good practice, discussing what we are observing and how we are observing. I think this is also reflected in the high interest we have taken in each other's experiences and each other's methodologies. I certainly welcome the high interest in our own experience. Our experience is based on a decade of election observation and a considerable number of observations undertaken. In a way, the essence of this experience one can find in the handbook and in the other publications of my office.

Let me just use this occasion to very briefly clarify some questions that have been raised and to which we did not react immediately. One is on the composition of our election observation missions. I think we have reached the situation where we can be pretty satisfied about the composition of our election observation missions, both in terms of the response and the management of what we are being seconded. Of course you know that both long- and short-term observers are seconded and we have typically anything between thirty and forty participating States providing such secondees, so if you deduct some of the very small participating States of the OSCE, I can say that nearly everybody, in one way or another, is engaged in this exercise.

We have, in addition, since four years, a voluntary fund which has also been mentioned, and I am very grateful to the European Union and other donors who contribute to this fund, for diversifying the participation and observation. This fund has, in the last four years, been able to finance some 850 observers, which is not an insignificant number. Compared with the overall number it is about 10 per cent.

There was also the question of an individual background of observers. What we do in this regard, has been proved as a useful mean to meet this concern by having every observer both long- and short-term appear in a team of two. There is no such thing as one observer and the teams of two always come from two different participating States. We think that this together with methodology applied is certainly more than enough to provide sufficient guaranties for a balanced view. The same of course goes for the principle that we try to not accept more than 10 per cent of the overall figure of observers from a one single country. This has also been mentioned as a way to meet concerns that there is not any imbalance in one way or another.

In this context, I would like to open a short but important parenthesis. I think we are all very happy that the Russian Federation has recently started to second significant numbers of observers, for the first time to the elections in Azerbaijan. We are expecting more to come for the elections in Kazakhstan on 4 December and of course further down the road.

Another point which I would briefly want to come to is the question of the preliminary statement. I think there has been a pretty bad misunderstanding. I don't think there was ever a case where the OSCE/ODIHR election observation mission has commented on an election immediately after closure of polling stations. We never do that. I think everybody who was listening to the interpretation of our methodology

understands very easily why this is so, because with the methods we apply, with the questionnaires we are processing throughout the election day and election night, we would be silly and inconsistent with our own methodology if we would do so. I think Mr. George has mentioned it. Let me briefly summarize what we do in fact is to finalize the preliminary statement on the day after the elections have taken place. Then we share the statement with the authorities of the host country before it is being presented by the Head of International Election Observation Mission at the press conference within 24 hours.

This figure of 24 hours has been mentioned by others as well. So in fact on the day after the elections for the simple reason that there is an expectation among the public, there is something we can say and that we have been able to demonstrate the capacity to do so over numerous elections. So if all of a sudden this would be delayed, I think people would justly raise the question what are they up to, why all of a sudden there are unusual delays, so I think these 24 hours, the fact that we come the day after the elections has proved again that this is a sound procedure.

Related to this is a question – this has been mentioned by several of you – of statements made by others. Of course we are only responsible for ourselves. Everybody is responsible for themselves. So I think Iran and Bulgaria were mentioned as a recent example of bilateral delegations at a particular election. I can only say that the Bulgarians who made a separate statement were not participants in our observation mission. We have no exclusivity and we have no intention to do so. There are numerous other observer mission and they are of course free to say as they wish and some of them are of course bilateral missions.

This brings me back to Ms. Yermoshina's point that we are responsible for our figures and not for the overall figure of observers who are just a reflection of the response to the invitation from the country concerned. We have enough with our own observers.

I think that's my point on the exchange of views and methodology. Let me also say a word about the exchange of good practice. I think we have seen a number of contributions to what is and could be a good practice and how we can benefit from each other's good practice. As far as we are concerned, I think we can briefly summarize this in four points. We see as good practice first of all the transparency we apply to what we are doing, the transparency not only of the methodology which is published but also the transparency of funding, recruitment and reporting. Secondly, the effort we make to communicate effectively with all stake holders in the electoral process which we are observing. Thirdly, the political discretion with regard to the fact that we observe the process and are not commenting on the political outcome. In fact, we are process-oriented and the results interest us only in so far as they are reported honestly, accurately, timely and in a transparent manner. And we are quite happy that much of what we see as this experience from our own observations found a reflection in this document which has been mentioned by several speakers – the UN Principles, which really is a significant, first universal effort to outline a code of practice for safeguarding the integrity of objective and impartial election observation as a shared global activity, and certainly I hope you all will, as we do, continue to not only look at this document but to see how we could bring it to life in our own future work.



Then we come to suggestions of how to improve, everybody and everything can always be improved, both in terms of substance and terms of procedure. In this regard of course it was very interesting to hear all the comments on the methodologies - ours and others. Some questions were answered, some so far remain unanswered, and we will continue this exchange of information.

Just one point to react to a suggestion that we are concentrating on negative aspects rather than positive. I think everybody who can find all our reports on our website and looks at them, realizes that we are reporting both the good and the bad as we observe it. It may not always be easy reading but it is in fact our mandate to offer assessment of reality vis-à-vis the OSCE commitments.

So how to improve further? I think there is no way to summarize what has been said in this regard but certainly there is a number of issues which we have raised and others have raised referring to efforts we have undertaken with regard to minorities participation and women's participation. Certainly there are new areas of challenges for all of us. New technologies have been mentioned repeatedly. I would want simply to use this opportunity to say that we are working to prepare another expert meeting, in fact a third in a row, as I mentioned at the beginning, precisely on the issue of challenge of election technologies, including particularly electronic voting. Certainly, we are very much looking at the unparalleled experience we find at this building, how to maintain public confidence in introducing new technologies.

We also have had a number of suggestions including a "food for thought" paper which has been just presented at the end of last week by several participating States to the Permanent Council in Vienna. I will not further comment on this because it is really in the Permanent Council where it belongs, but we will certainly look at the content and I think that some of the points there have been also echoed in this meeting, issues such as training or continuing to ask for funds to diversify participation in observation and also the point about meaningful and systematic follow-up, which in fact takes up previous decisions made by the Ministerial Council and the Permanent Council.

Certainly, for us this is of high interest, there is no way we can do justice or I can do justice to our follow-up efforts but in a way I see this very much as the proof of the pudding, the proof of the utility of observation that we are able to provide on the basis of our reporting expert assistance and advice. I am very happy about the very sustained response we get from numerous participating States in this regard. I think both Mr. Foos and Mr. Celibashi would be excellent witnesses of the fact that in a number of countries we have been involved in follow-up and support exercises for several years on more or less continued or permanent basis. We are also receiving more invitations for specific follow-up visits. In fact I have come here straight from a visit to Albania where we discussed the recommendations of our final report about the parliamentary elections earlier this year, we have been this year also in Ukraine and in the USA among others, also specifically for discussing our recommendations. We are certainly ready to continue and expand on this effort because that is the purpose. The purpose really is to do what we can in assisting and supporting the democratic process, and the electoral process as part of the democratic process, in the framework

of our overall activities of institution building, of support for reform and transition processes. This follow-up really is a key element in everything we are doing and we try to relate this systematically to it.

I think that's really all I wanted to say. Maybe in conclusion a few words on how to move this forward. Certainly I have been very careful in hearing from several of you "let's do it again". I am not the one to decide on location, if the location is elsewhere. In fact, for this meeting we did have to have a specific decision by the Permanent Council allowing us to come here and providing for the financial additional cover necessary to move the meeting out of Vienna. I am, as the Chairman said, a great believer in moving meetings out of Vienna, which may surprise those of you who know I am from Vienna, but in this case, the Hofburg is the second largest building in Europe and meetings can get lost in this sort of continued meetings they have, so if we can find hosts and support to meet elsewhere, certainly we are very happy about this. We will provide you with a resume, a summary of this meeting, which will certainly not have an aspiration of perfection but just to remind you of the meeting, of who the participants were. We can add the e-mail addresses of all of us so that we can also maintain an informal network of all of us. In following-up together not only working for supporting the effective implementation of commitments but for working together for enabling and ensuring effective democratic elections in all participating States.

I think this is where I want to end but certainly not without an expressions of thanks first of all to all of you for having come, some of you from far away. I think there is a reason to single out one which is Paul DeGregorio, who had not only a long way but who is having Thanksgiving tomorrow, if I am right. So I hope you will find your way back in time to have Thanksgiving with your family. Certainly, also thanks once more to Chairman Veshnyakov and the Central Election Commission of the Russian Federation for enabling this meeting. I know this is a very busy commission involved in all elections of 89 subjects of the Federation so you must have about an election every other day to worry about, but you provided us with this great hospitality in a very busy time. Very grateful. I thank also to all of your team for supporting us in both preparation and in very efficient and hospitable running of this meeting. Also to my own team. Here I want to mention in particular Vadim Zhdanovich who has been tireless as always in preparing this meeting, in making sure that problems were solved before they even arose. And finally, to our interpreters and technicians, without whom this very good exchange of views could not have been possible. I wish you all farewell, hope to see you soon again, and safe trip back home. Thank you very much!

## ANNEX 3: AGENDA



Office for Democratic Institutions and Human Rights

### OSCE/ODIHR EXPERT MEETING ON ELECTION OBSERVATION Moscow, 22-23 November 2005

Venue: Central Election Commission of the Russian Federation

#### A G E N D A

#### Day I            22 November 2005

9:30-10:00    Registration of the participants.

#### 10:00-10:30    **Opening Session**

##### **Opening remarks:**

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

**Ambassador Christian Strohal**, Director of the OSCE/ODIHR  
Objective and format of the expert meeting.

**Mr. Gerald Mitchell**, Head of the ODIHR Election Department

#### 10:30-11:30    **Session I: Election Observation: Transparency and Public Confidence.**

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

Discussion

11:30-11:45    Coffee Break

11:45-13:30    Discussion continues

13:30-15:00    Lunch

#### 15:00-17:00    **Session II: Election Observation Methodologies**

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

##### **Presentation of election observation methodologies:**

**Mr. Gerald Mitchell**, Head of the ODIHR Election Department

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

**Mr. Andrew Bruce**, Election Desk, External Relations Directorate  
General, European Commission

**Mr. Pietro Ducci**, Election Observation Service, European Parliament

**Ms. Pilar Morales**, Secretariat of the Congress of Local and Regional  
Authorities of the Council of Europe

**Ms. Suzana Jasic**, Executive Director of the GONG

Discussion

17:00-17:15 Coffee Break

17:15-18:30 Discussion continues

18:30 Close of Day 1

19:00 **Reception offered by the OSCE/ODIHR**

## **Day 2 23 November 2005**

9:30-11:00 **Session III: Observation of Specific Aspects of the Election Process**  
**Moderator: Mr. Julian Peel Yates (UK)**, the former Head of the  
OSCE/ODIHR Election Observation Missions

Discussion

11:00-11:15 Coffee Break

11:15-12:30 Discussion continues

12:30-14:00 Lunch

14:00-16:00 **Session IV: Practical Framework for the Delivery of Election  
Observation and Follow-Up**

**Moderator: Ambassador Geert Ahrens (Germany)**, the former  
Head of the OSCE/ODIHR Election Observation Missions

Discussion

16:00-16:15 Coffee Break

16:15-17:00 **Closing Session**

Reports by the Working Session Moderators

Comments from the floor

**Closing remarks:**

**Ambassador Christian Strohal**, Director of the OSCE/ODIHR

17:00 Close of Day 2

## ANNEX 4: ANNOTATED AGENDA

### EXPERT MEETING ON ELECTION OBSERVATION 22-23 November 2005

#### ANNOTATED AGENDA

##### OVERVIEW

Following the April 2005 SHDM “Challenges of Election Technologies and Procedures”, the Slovenian Chairmanship proposed<sup>4</sup> *“to ODIHR to organize a meeting of technical experts from participating States, International Governmental Organizations and Non-Governmental Organizations on election observation and assessment methodologies by the end of this year”*. It was also proposed that the conclusions of this meeting be shared with OSCE participating States, as well as Parliamentary Assemblies, with respect to election observation and assessment methodologies.

Several international governmental organizations and parliamentary bodies undertake election observation activities in the OSCE region, including the OSCE/ODIHR, the Council of Europe and the Commonwealth of Independent States. In addition, there are also international and domestic non-governmental organizations that observe elections in the OSCE region. This meeting will provide an opportunity for these organizations to enhance their dialogue with one another, and to present an overview of their respective methodologies. A few representatives of election administration will also be invited to give some commentary on interaction with Election Observation Missions, particularly in the context of follow-up to observer recommendation.

Since 1996, the OSCE/ODIHR has employed a comprehensive election observation methodology that permits it to follow all key stages of an election process, before, during and after the election day. Other international 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, and has stated its objective to draw increasingly upon the OSCE/ODIHR election observation methodology. A number of domestic non-partisan organizations are also active throughout the OSCE region, and contribute significantly to transparency, and hence confidence in electoral processes.

The OSCE/ODIHR stands ready, and calls for other organizations, to further develop respective observation methodologies to meet ongoing and emerging challenges. The meeting will provide a basis to share experience with other relevant organizations that undertake election observation activities.

The expert meeting on election observation and assessment will focus on the following key objectives:

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<sup>4</sup> Letter of Amb. Lenarčič to Ambassador Strohal of 1 July 2005.

- **OSCE/ODIHR and other organizations in attendance will have the opportunity to reaffirm the importance of credible election observation as a key element of transparency for the conduct of democratic elections.**
- **The meeting will provide a basis for a meaningful and open exchange of views on existing election observation methodologies based on participants' presentations, and the opportunity to share best practices on election observation related issues.**

### **Session I: Election Observation: Transparency and Public Confidence**

In order to ensure the transparency of elections, the legal and administrative framework should explicitly provide for the role of observers, including international observers and domestic partisan and non-partisan observers, to all stages of an election process. Election observation and assessment contributes to both improving electoral integrity and building public confidence in the electoral process.

Topics for discussion will include:

- Adherence to the principles of election observation in line with OSCE Commitments, the Commonwealth of Independent States Convention, Council of Europe practice, and other international standards;
- The role of international and domestic observers (in particular domestic non-partisan observers), for enhancing the integrity of election processes;
- Rights and responsibilities of observers, including the role of election administration in facilitating observation;
- Ongoing and emerging challenges to observation, including new voting technologies.

### **Session II Election Observation Methodologies**

Each organization that undertakes election observation must have a credible methodology that provides a structured framework for arriving at conclusions. The OSCE/ODIHR Election Observation Handbook is a public document that outlines the OSCE/ODIHR election observation methodology in line with its mandate. This session will provide another opportunity for the OSCE/ODIHR to explain its methodology, and for other organizations in attendance to do likewise.

Topics for discussion will include:

- Comprehensive election observation methodologies, both international and domestic, enhance accountability and transparency of electoral process.
- Presentations of election observation methodologies (OSCE/ODIHR, CIS, EU, CoE, NDI, as well as domestic observer groups - 15 minutes for each presentation).

- Adaptations of methodologies, including for the assessment of specific aspects of the process in established democracies, or elections in post-conflict environments.
- Exchange of views and sharing best practices on election observation.

### **Session III Observation of Specific Aspects of the Election Process**

Election observation focuses on all aspects of electoral process, including the legal framework, election administration, media performance, candidate and voter registration, and complaints and appeals process, in addition to election day and vote count and tabulation. Some of these aspects of the process require a specific focus and expertise during observation.

Topics for discussion will include:

- voter registration
- candidate registration
- role of the media
- complaints and appeals
- vote count, tabulation and announcement of results
- new voting technologies

### **Session IV Practical Framework for the Delivery of Election Observation and Follow-Up**

A practical framework for election observation is based on minimal conditions for effective observation that the host government is expected to ensure and observer codes of conduct that observers are expected to follow. The delivery of election observation requires that all members of a community of states committed to election observation support this activity, including through the secondment of observers, which would ensure *inter alia* a geographical balance in the composition of each election observation mission. A follow-up dialogue with the respective election administration can enhance the implementation of recommendations.

Topics for discussion will include:

- Minimal conditions for effective observation.
- Codes of Conduct.
- Modalities for recruitment, secondment, deployment and training.
- Cooperation with parliamentary bodies.
- Delivery of findings.
- Follow-up dialogue with election administration to facilitate implementation of recommendations from election observation reports.
- Identifying areas for further strengthening election observation methodologies.

## **ANNEX 5: LIST OF PARTICIPANTS**

### **OSCE/ODIHR EXPERT MEETING ON ELECTION OBSERVATION Moscow, 22-23 November 2005**

#### **International Governmental Organizations**

- OSCE Parliamentary Assembly**
  1. Mr. Semyon Dzakhaev, Secretary of the Russian Federal Assembly Delegation to OSCE PA
- Secretariat of the Congress of Local and Regional Authorities of Council Europe**
  2. Ms. Pilar Morales, Secretary to the Institutional Committee, Co-ordination of Local and Regional Election Observation
- European Parliament**
  3. Mr. Pietro Ducci, Election Observation Service
- European Commission**
  4. Mr. Andrew Bruce, Election Desk, External Relations, Directorate General
- Commonwealth of Independent States**
  5. Mr. Assan Kozhakov, Deputy Chairman of Executive Committee
  6. Mr. Vladimir Karpechenko, Deputy Head of Section, CIS Secretariat

#### **International Non-Governmental Organizations**

- National Democratic Institute for International Affairs**
  7. Ms. Mary O'Hagan, Russia Country Director
- International Republican Institute**
  8. Mr. Joe Johnson, Russia Country Director

#### **Election Management Bodies**

- CEC Russian Federation**
  9. Mr. Alexander Veshnyakov, Chairman
  10. Mr. Vladimir Lysenko, Member
- CEC Belarus**
  11. Ms. Lidiya Yermoshina, Chairperson
- US Election Assistance Commission**
  12. Mr. Paul DeGregorio, Vice-Chairman



**UK Electoral Commission**

13. Ms. Kate Sullivan, Head of Electoral Administration

**CEC Latvia**

14. Mr. Arnis Cimdars, Chairman  
15. Ms. Daina Medne, Member

**CEC Lithuania**

16. Mr. Zenonas Vaigauskas, Chairman

**CEC Albania**

17. Mr. Ilirjan Celibashi, Chairman

**CEC Kazakhstan**

18. Mr. Vladimir Foos, Secretary

**Non-Governmental Organizations**

**Election Monitoring Center (EMC), Azerbaijan**

19. Mr. Anar Mammadli

**Civic Initiative Partnership, Belarus**

20. Ms. Enira Bronitskaya

**GONG, Croatia**

21. Ms. Suzan Jasic, Executive Director

**MOST Citizen's Association, FYROM**

22. Mr. Darko Aleksov, MOST Coordinator

**International Society for Fair Election and Democracy (ISFED), Georgia**

23. Ms. Tamar Zhvania

**Coalition for Democracy and Civil Society, Kyrgyzstan**

24. Mr. Edil Baisalov, Executive Director

**Centre for Democratic Transition (CDT), Montenegro**

25. Mr. Marko Canovic, Executive Director

**Association Pro Democracy, Romania**

26. Mr. Costel Popa, Deputy Executive Director

**GOLOS Coalition (VOICE), Russian Federation**

27. Ms. Lilia Shibanova, Executive Director

**Russian Fund for Fair Elections, Russian Federation**

28. Mr. A. Przhedomsky, Executive Director

29. **Centre for Free Election and Democracy (CeSID), Serbia**  
Mr. Zoran Lucic, Executive Director

30. **Obcianske Oko (Civic Eye), Slovakia**  
Mr. Peter Novotny, Executive Director

31. **Association of Election Officials, BiH**  
Ms. Irena Hadziabdic, Executive Director

### **ODIHR External Experts**

32. Amb. Geert Ahrens (Germany), Head of the EOM in Azerbaijan
33. Mr. Bruce George (UK), Member of Parliament, President Emeritus of OSCE PA
34. Amb. Lubomir Kopaj (Slovakia), Chief Liaison Officer in the EOM in Kazakhstan
35. Mr. Rastislav Kuzel (Slovakia), President “MEMO” (media monitoring)
36. Mr. Julian Peel Yates (UK), the former Head of the EOM in Russia
37. Mr. Hans Schmeets (Netherlands), Statistics Netherlands

### **OSCE Office for Democratic Institutions and Human Rights**

38. Ambassador Christian Strohal, Director
39. Marcus Brand, Special Adviser
40. Beata Dobrowolska, Executive Assistant
41. Gerald Mitchell, Head of Election Department
42. Nikolai Vulchanov, Deputy Head of Election Department
43. Vadim Zhdanovich, Senior Election Adviser
45. Konrad Olszewski, Election Adviser
46. Holly Ruthrauff, Election Adviser
47. Gilles Saphy, Election Adviser
48. Jonathan Stonestreet, Election Adviser

- 49. Urdur Gunnarsdottir, Press and Public Information Adviser
- 50. Curtis Budden, Public Affairs Officer
- 51. Ireneusz Stepinski, Senior Conference Services Assistant
- 52. Mariam Imnaishvili, Administrative Assistant
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**CEC of the Russian Federation, International Department, Meeting Support Team**

- 54. Andrey Davydov, Head of Department
- 55. Olga Balashova, Head of Section

## ANNEX 6: "FOOD FOR THOUGHT" PAPER

### "Food for thought"

Distributed on behalf of Armenia, Belarus, Kazakhstan,  
Kyrgyzstan, Russian Federation and Tajikistan

PC.DEL/1184/05  
18 November 2005  
OSCE+  
ENGLISH only

## ON FURTHER DEVELOPMENT OF ELECTION MONITORING AND ASSESSMENT

### A. Principles of election monitoring

1. All election-related activities, in particular election observation, should be conducted in an impartial and depoliticised way with the aim of assisting participating States in improving their election legislation and election practices in order to help them implement relevant OSCE commitments on conducting free and fair elections. Therefore recommendations of election observation missions should be of practical and technical nature.

*"Criteria and methodology that ensure objectiveness, transparency and professionalism should be further developed and an approach taken that guarantees equal treatment of all participating states" (EPR, § 24 c).*

### B. Staffing and appointments

2. All Heads of OSCE election observation missions shall be appointed by the Chairman-in-Office in consultation with the Director of ODIHR from a special ODIHR Roster approved at the beginning of each year by the Permanent Council through a transparent process of selection based on professionalism and experience as well as reflecting equitable geographic distribution and gender balance. The candidates to the Roster will be nominated by the Participating States. The Roster will be displayed on the relevant ODIHR web-site and, if necessary, amended by a decision of the Permanent Council.
3. Geographic diversity of election observers should be enhanced by increasing the number of election observers from countries "East of Vienna". For this purpose a special OSCE Election Observation Fund, managed by ODIHR, is to be established. The Fund shall be financed from the Unified Budget and through voluntary contributions of Participating States.
4. A high-quality curriculum and unified standards for the training of election observers as well as clear criteria of their designation to observer missions should be elaborated. With this in mind it is necessary to consider the establishment of a Euro-Asian Training Centre for election observers.

### C. Conduct of EOM personnel

5. Heads and members of OSCE election observation missions shall by no mean interfere in any phase of an ongoing electoral process. Until the

official election results are made public by the host country's electoral authorities they are to refrain from making any public statements or assessments on the preparation or conduct of election that might affect the course and outcome of the election process.

In this context it seems expedient to revise the practice when heads of EOMs immediately upon closure of polling stations publicly engage in highly politicised evaluations about the compliance of the election process with international democratic norms and standards. The final report of election observation missions is to be made upon the careful examination of all aspects and phases of an election process, including announced official results as well as assessments by other monitoring missions. It should pursue the goal of obtaining a clear and unbiased picture of the conformity of the observed electoral process with national elections legislation and provide recommendations for improvements in line with the OSCE commitments.

#### **D. Operational and managerial aspects**

6. Managerial aspects of observation activities must be improved. They include among others: annual planning, destination countries, composition, format, duration, staffing and funding of election observation missions. A clear and transparent system of criteria, which will guide ODIHR in deciding on the format of its participation in election observation, is to be elaborated. The detailed timetable of ODIHR observation engagement in Participating States should become an integral part of the OSCE Annual Working Plan and Unified Budget. Observation of unplanned/snap elections could be financed from supplementary budgets or through a special ODIHR Elections Contingency Fund.
7. The Permanent Council should be involved and maintain a high degree of control over the decision-making process on dispatching election observation teams to Participating States upon their invitation while maintaining a flexible balance between the number of election observers sent to a country with the number of its eligible voters.
8. The use of the Russian language along with English while conducting election observation in CIS countries is to be envisaged.
9. Cooperation between OSCE/ODIHR EOMs and observation missions dispatched by other international organization, states or groups of states should be improved following the relevant guidelines established by the Permanent Council.

#### **E. Follow-up**

10. The post-election follow-up should be undertaken in close cooperation with the host state through dialogue and practical cooperative support. Upon results of such consultations the ODIHR may report to the Permanent Council on measures to assist the concerned state in improving the situation.

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## **ANNEX 7: DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION<sup>5</sup>**

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced.

Genuine democratic elections are a requisite condition for democratic governance, because they are the vehicle through which the people of a country freely express their will, on a basis established by law, as to who shall have the legitimacy to govern in their name and in their interests. Achieving genuine democratic elections is a part of establishing broader processes and institutions of democratic governance. Therefore, while all election processes should reflect universal principles for genuine democratic elections, no election can be separated from the political, cultural and historical context in which it takes place.

Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. They, like other human rights and democracy more broadly, cannot be achieved without the protections of the rule of law. These precepts are recognized by human rights and other international instruments and by the documents of numerous intergovernmental organizations. Achieving genuine democratic elections therefore has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognizing that it is the

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<sup>5</sup> Adopted in New York at the United Nations on 27 October 2005 by inter alia the African Union, the Carter Center, the Commonwealth Secretariat, the Council of Europe, the European Commission, the Organization of American States, the OSCE/ODIHR, the Pacific Island Forum, and the United Nations.

people of a country who ultimately determine credibility and legitimacy of an election process.

International election observation has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), domestic election monitoring organizations and other credible international election observer organizations, among others.

The intergovernmental and international nongovernmental organizations endorsing this Declaration and the accompanying Code of Conduct for International Election Observers therefore have joined to declare:

- 1) Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.
- 2) In accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.
- 3) The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.

- 4) International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation.
- 5) International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialized observation missions may examine limited pre-election or post-election issues and specific processes (such as, delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms). Stand-alone, specialized observation missions may also be employed, as long as such missions make clear public statements that their activities and conclusions are limited in scope and that they draw no conclusions about the overall election process based on such limited activities. All observer missions must make concerted efforts to place the election day into its context and not to over-emphasize the importance of election day observations. International election observation examines conditions relating to the right to vote and to be elected, including, among other things, discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, colour, ethnicity, language, religion, national or social origin, property, birth or other status, such as physical disabilities. The findings of international election observation missions provide a factual common point of reference for all persons interested in the elections, including the political competitors. This can be particularly valuable in the context of disputed elections, where impartial and accurate findings can help to mitigate the potential for conflicts.
- 6) International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral result, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member of an international election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of election day observation, each of which periods present specific challenges for independent and impartial analysis. International election



observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings. International election observation delegations should be prepared to disclose the sources of their funding upon appropriate and reasonable requests.

- 7) International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and issue a preliminary post-election statement of findings and a final report upon the conclusion of the election process. International election observation missions may conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.
- 8) The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions.
- 9) International election observation must be conducted with respect for the sovereignty of the country holding elections and with respect for the human rights of the people of the country. International election observation missions must respect the laws of the host country, as well as national authorities, including electoral bodies, and act in a manner that is consistent with respecting and promoting human rights and fundamental freedoms.
- 10) International election observation missions must actively seek cooperation with host country electoral authorities and must not obstruct the election process.
- 11) A decision by any organization to organize an international election observation mission or to explore the possibility of organizing an observation mission does not imply that the organization necessarily deems the election process in the country holding the elections to be credible. An organization should not send an international election observation mission to a country

under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process, and international election observation missions in any such circumstance should make public statements to ensure that their presence does not imply such legitimacy.

- 12) In order for an international election observation mission to effectively and credibly conduct its work basic conditions must be met. An international election observation mission therefore should not be organized unless the country holding the election takes the following actions:
  - (a) Issues an invitation or otherwise indicates its willingness to accept international election observation missions in accordance with each organization's requirements sufficiently in advance of elections to allow analysis of all of the processes that are important to organizing genuine democratic elections;
  - (b) Guarantees unimpeded access of the international election observer mission to all stages of the election process and all election technologies, including electronic technologies and the certification processes for electronic voting and other technologies, without requiring election observation missions to enter into confidentiality or other nondisclosure agreements concerning technologies or election processes, and recognizes that international election observation missions may not certify technologies as acceptable;
  - (c) Guarantees unimpeded access to all persons concerned with election processes, including: (i) electoral officials at all levels, upon reasonable requests, (ii) members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections, (iii) all of the political parties, organizations and persons that have sought to compete in the elections (including those that qualified, those that were disqualified and those that withdrew from participating) and those that abstained from participating, (iv) news media personnel, and (v) all organizations and persons that are interested in achieving genuine democratic elections in the country;
  - (d) Guarantees freedom of movement around the country for all members of the international election observer mission;
  - (e) Guarantees the international election observer mission's freedom to issue without interference public statements and reports concerning its findings and recommendations about election related processes and developments;
  - (f) Guarantees that no governmental, security or electoral authority will interfere in the selection of individual observers or other members of the international election observation mission or attempt to limit its numbers;
  - (g) Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation;

- (h) Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and
- (i) Guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who works for, assists or provides information to the international election observation mission in accordance with international principles for election observation.

As a prerequisite to organizing and international election observation mission, intergovernmental and international nongovernmental organizations may require that such guarantees are set forth in a memorandum of understanding or similar document agreed upon by governmental and/or electoral authorities. Election observation is a civilian activity, and its utility is questionable in circumstances that present severe security risks, limit safe deployments of observers or otherwise would negate employing credible election observation methodologies.

- 13) International election observation missions should seek and may require acceptance of their presence by all major political competitors.
- 14) Political contestants (parties, candidates and supporters of positions on referenda) have vested interests in the electoral process through their rights to be elected and to participate directly in government. They therefore should be allowed to monitor all processes related to elections and observe procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials.
- 15) International election observation missions should: (i) establish communications with all political competitors in the election process, including representatives of political parties and candidates who may have information concerning the integrity of the election process; (ii) welcome information provided by them concerning the nature of the process; (iii) independently and impartially evaluate such information; and (iv) should evaluate as an important aspect of international election observation whether the political contestants are, on a nondiscriminatory basis, afforded access to verify the integrity of all elements and stages of the election process. International election observation missions should in their recommendations, which may be issued in writing or otherwise be presented at various stages of the election process, advocate for removing any undue restrictions or interference against activities by the political competitors to safeguard the integrity of electoral processes.
- 16) Citizens have an internationally recognized right to associate and a right to participate in governmental and public affairs in their country. These rights may be exercised through nongovernmental organizations monitoring all processes related to elections and observing procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as

the transport of ballots and other sensitive materials. International election observation missions should evaluate and report on whether domestic nonpartisan election monitoring and observation organizations are able, on a nondiscriminatory basis, to conduct their activities without undue restrictions or interference. International election observation missions should advocate for the right of citizens to conduct domestic nonpartisan election observation without any undue restrictions or interference and should in their recommendations address removing any such undue restrictions or interference.

- 17) International election observation missions should identify, establish regular communications with and cooperate as appropriate with credible domestic nonpartisan election monitoring organizations. International election observation missions should welcome information provided by such organizations concerning the nature of the election process. Upon independent evaluation of information provided by such organizations, their findings can provide an important complement to the findings of international election observation missions, although international election observation missions must remain independent. International election observation missions therefore should make every reasonable effort to consult with such organizations before issuing any statements.
- 18) The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ.
- 19) The intergovernmental and nongovernmental organizations endorsing this Declaration recognize that there are a variety of credible methodologies for observing election processes and commit to sharing approaches and harmonizing methodologies as appropriate. They also recognize that international election observation missions must be of sufficient size to determine independently and impartially the character of election processes in a country and must be of sufficient duration to determine the character of all of the critical elements of the election process in the pre-election, election-day and post-election periods – unless an observation activity is focused on and therefore only comments on one or a limited number of elements of the election process. They further recognize that it is necessary not to isolate or over-emphasize election day observations, and that such observations must be placed into the context of the overall electoral process.
- 20) The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that international election observation missions should include persons of sufficiently diverse political and professional skills, standing and proven integrity to observe and judge processes in light of: expertise in electoral processes and established electoral

principles; international human rights; comparative election law and administration practices (including use of computer and other election technology); comparative political processes and country specific considerations. The endorsing organizations also recognize the importance of balanced gender diversity in the composition of participants and leadership of international election observation missions, as well as diversity of citizenship in such missions.

- 21) The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to: (i) familiarize all participants in their international election observation missions concerning the principles of accuracy of information and political impartiality in making judgments and conclusions; (ii) provide a terms of reference or similar document, explaining the purposes of the mission; (iii) provide information concerning relevant national laws and regulations, the general political environment and other matters, including those that relate to the security and well being of observers; (iv) instruct all participants in the election observation mission concerning the methodologies to be employed; and (v) require all participants in the election observation mission to read and pledge to abide by the Code of Conduct for International Election Observers, which accompanies this Declaration and which may be modified without changing its substance to fit requirements of the organization, or pledge to abide by a pre-existing code of conduct of the organization that is substantially the same as the accompanying Code of Conduct.
- 22) The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to use every effort to comply with the terms of the Declaration and the accompanying Code of Conduct for International Election Observers. Any time that an endorsing organization deems it necessary to depart from any of terms of the Declaration or the Accompanying Code of Conduct in order to conduct election observation in keeping with the spirit of the Declaration, the organization will explain in its public statements and will be prepared to answer appropriate questions from other endorsing organizations concerning why it was necessary to do so.
- 23) The endorsing organizations recognize that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organizations welcome any such observers agreeing on an ad hoc basis to this declaration and abiding by the accompanying Code of Conduct for International Election Observers.
- 24) This Declaration and the accompanying Code of Conduct for International Election Observers are intended to be technical documents that do not require action by the political bodies of endorsing organizations (such as assemblies, councils or boards of directors), though such actions are welcome. This Declaration and the accompanying Code of Conduct for International Election Observers remain open for endorsement by other intergovernmental and international nongovernmental organizations. Endorsements should be recorded with the United Nations Electoral Assistance Division.

## **CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS**

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including long-term and short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission, must subscribe to and follow this Code of Conduct.

### **Respect Sovereignty and International Human Rights**

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

### **Respect the Laws of the Country and the Authority of Electoral Bodies**

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

### **Respect the Integrity of the International Election Observation Mission**

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

### **Maintain Strict Political Impartiality at All Times**

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

### **Do Not Obstruct Election Processes**

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

### **Provide Appropriate Identification**

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

### **Maintain Accuracy of Observations and Professionalism in Drawing Conclusions**

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

### **Refrain from Making Comments to the Public or the Media before the Mission Speaks**

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election

observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

### **Cooperate with Other Election Observers**

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

### **Maintain Proper Personal Behavior**

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

### **Violations of This Code of Conduct**

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

### **Pledge to Follow This Code of Conduct**

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.