

MECHANISMS FOR ELECTION OBSERVATION

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Personal Envoys of the Chairman-in-Office of the OSCE

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GENERAL CONCLUSIONS

I. PREAMBLE

The international election observation mechanisms and method implemented by the OSCE, through the OSCE/ODIHR and the OSCE Parliamentary Assembly, as well as by parliamentary assemblies associated with international election observation missions (the Parliamentary Assembly of the Council of Europe, the European Parliament and NATO Parliamentary Assembly) are on the whole satisfactory and efficient.

The methodology developed by the ODIHR was for that matter adopted by numerous international organisations, among which the European Union and the United Nations. Commonwealth of Independent States (CIS) authorities also refer to it. The methods and practices in force must nonetheless be consolidated, perfected or corrected in various areas concerning on the one hand OSCE Member States and on the other hand the aforementioned parliamentary assemblies or the ODIHR. In this respect we formulate various concrete proposals below.

The positive and efficient collaboration between the OSCE PA and the OSCE ODIHR is essential. Only the ODIHR has been able, to date, to organise the long-term observation of the electoral campaign, to cover the entire territory on Election Day by short-term observers and to subject their observations to a strict statistical analysis.

The presence of parliamentary observers is just as essential. Their political and electoral experience qualifies them more particularly to assess, in consultation with the ODIHR, to what extent the inadequacies observed along the electoral process are likely to violate the commitments made in Copenhagen in 1990 (1990 Copenhagen Document of the OSCE Conference on the Human Dimension). In addition, the presence of parliamentarians gives more significance and visibility to the observation mission.

Lately tension has flared between certain representatives of the parliamentary assemblies and the ODIHR during a number of international election observation missions (IEOM). These tensions should, however, have been eased by the scrupulous application of the Copenhagen agreement signed in 1997 between the OSCE PA and the ODIHR, literally and in spirit, by all parties involved.

II. RECOMMENDATIONS AIMED AT IMPROVING THE ELECTION OBSERVATION MECHANISMS

1. Recruitment of non-parliamentary observers: ODIHR Head of EOM, Core team, long-term observers (LTOs) and short-term observers (STOs)

- The appointment of the ODIHR Head of Election Observation Mission (EOM) must remain a prerogative of the ODIHR director. The list of candidates among whom the latter chooses the Head of the EOM should,

however, be communicated for information to the members of the OSCE's Permanent Council each time it is updated.

- The criteria that justified the choice of a head of ODIHR EOM as well as his qualifications must be accessible to members of the Permanent Council. These measures would reinforce the transparency of these choices.
- The geographical origin of the Head of the EOM, recorded over the observations of one or two years must be sufficiently diversified.
- The recruitment of members of the *Core Team* must also remain a prerogative of the ODIHR management. Once nominated, the criteria giving rise to their selection and their CVs must be accessible to the members of the Permanent Council. Sufficient diversity of their geographical origins must continue to be pursued.
- The geographical diversity of STOs and LTOs must continue to be pursued. The Diversification Fund must be maintained and reinforced to this effect. Participating States that are systematically under-represented during election observation missions should be encouraged to use it, if their absence is due to budget reasons. They should provide their nationals who are likely to be LTOs or STOs, with useful information as to the options provided by this Fund.

2. Preparation, briefings and code of conduct of observers

- Non-parliamentary observers

Non-parliamentary STOs must receive preliminary training upon departure at national or regional level. Certain Member States already do so; the practice is to be standardised.

STO briefings could be enhanced by: (1) Describing the statistical analysis method applied to forms to be completed by the STOs, in order for them to better understand their relevance and their importance for the objective evaluation of the relevant election process. (2) Drawing the attention of STOs more systematically to the type of election fraud likely to be practiced during the elections in question, as well as to the signs likely to reveal it.

Information and training of STOs in Montenegro during the May 2006 referendum should set the example to be followed in this respect.

The code of conduct to be respected by the STOs is adequate.

- Parliamentary observers

Parliamentary assemblies (PAs) that have decided to take part in an international election observation mission (IEOM) should send a limited delegation during the election campaign to the country subject to observation, for a period of two to three days, in order to familiarise themselves with the election legislation and become aware of the climate of the election campaign, in collaboration with the ODIHR mission. The most appropriate time would be between the publication of the first and second ODIHR interim reports. This would not only enable each PA to better prepare for the

observation of the elections, but also to evoke with the relevant political authorities any possible dysfunctions already recorded in the first ODIHR interim report.

These delegations should logically be led by delegation heads appointed for short-term parliamentary observation. This implies notably that the Chairman-in-office would appoint the special coordinator sufficiently early within the OSCE PA.

During the OSCE PA winter and summer meetings, the ODIHR should, in addition to these meetings, organise an information session on its election observation methodology targeted at Parliamentarians present who envisage taking part in an IEOM in subsequent months.

During briefings for parliamentary STOs preceding Election Day, the ODIHR must include a presentation session on the statistical analysis methodology of the forms to be completed by the parliamentary and non-parliamentary STOs.

Parliamentarians registering for an IEOM must commit to arriving in situ before the beginning of the briefings organised for them and to attend them.

3. The deployment of observers.

- The deployment of non-parliamentary observers does not represent a single problem, their number allows to cover the entire territory.
- The deployment of parliamentary observers should, however, be more balanced, between the capital and the rest of the country. Parliamentarians wishing to take part in an observation mission should accept to be deployed, if necessary, in the provinces, depending on the needs of balanced parliamentary observation.

4. The analysis method of the observers' report forms

- The method of statistical analysis of the ODIHR's short-term observers' report forms is relevant and must continue to be applied. The contents of the forms are properly adjusted to the specificities of each election.
- The ODIHR should convene a number of experts from parliamentary assemblies participating in the IEOM in order to collect their opinions on the contents of the forms used recently and notably during the elections observed in 2006.
- It is essential to better explain the nature and scope of the forms to be completed on Election Day and their relevant statistical analysis method to parliamentary and non-parliamentary observers.
- In its successive reports concerning a given election, the ODIHR is to very clearly distinguish observations implying significant breaches of the 1990

Copenhagen commitments, from those that involve legislative, technical or administrative gaps, to be corrected of course, but without significant effect on the compliance with said commitments. This would facilitate the dialogue between, on the one hand, parliamentary delegations and, on the other hand, the ODIHR, during consultation meetings on the drafting of the “Statement of Preliminary Findings and Conclusions” and of the press release distributed the day after the election by the special IEOM coordinator.

- The number of the ODIHR interim reports (currently two) could be increased.

5. Drafting and coordination of the post-election Statement

- The procedures concerning the drafting of the “Statement of Preliminary Findings and Conclusions” provided in the 1997 Cooperation Agreement between the OSCE PA and the OSCE Chairman-in-Office are to be maintained and respected. The special coordinator or his representative must be associated with the drafting of aforesaid Statement.
- It is important that the conclusions from the observations continue to be the result of close cooperation between non-parliamentary and parliamentary observers, with the latter having to play a major role in the assessment of the importance of the breaches observed in the electoral process compared to compliance with the Copenhagen commitments.
- The text of the “Preliminary Statement” should be subjected to a consensus between parliamentary assemblies and the ODIHR.
- The recommendations of the aforementioned 1997 Cooperation Agreement concerning the development and the time of the press conference on the day after the election are to be complied with.
- The observers, as well as the members of the ODIHR’s Core Team, must abstain from making statements to the press and take part in political demonstrations or meetings before the end of the press conference chaired by the Special Coordinator.

6. Relations between the various organisations in the field

The Cooperation Agreement signed in Copenhagen on 2 September 1997 between the OSCE Chairman-in-office and the OSCE PA President are to be fully applied. This implies, among others:

- That the special coordinator designated by the Chairman-in-office belongs to the OSCE PA, who delegates the greatest number of observers in the field. They must be tactful with other parliamentary delegation heads and the ODIHR in order to reach a consensus on the “Preliminary Statement” the day after the election.

- That the PA systematically appoints a representative to the “needs assessment missions” (NAM) of the ODIHR. The latter is to ensure that the OSCE PA is informed sufficiently in advance of the scheduled dates for the NAM, so as to enable it to assign a parliamentary or non-parliamentary representative.
- That the Presidents of assemblies taking part in the IOEM consult each other in order to decide on a common code of conduct for parliamentary observers. To this effect, they should notably rely on the existing code of conduct for OSCE/ODHIR STOs, on the revised guidelines on the observation of the elections of the Council of Europe PA, on the “Guidelines for European Parliament Election Observation Delegations” and on the UN Code of Conduct for international election observations. The conference on the observation of elections organised by the Council of Europe PA in early 2007 could form the framework for such an initiative.
- That the parliamentary assemblies specify to what extent the parliamentary STOs’ freedom of expression is limited on the day after the elections.

7. Various recommendations

- In the future, long-term observation of the ODIHR should pay more attention to the financing of candidates and parties, as well as to the use of mobile telephony networks and Internet during the election campaign, from the point of view of the strict compliance with the spirit of the 1990 Copenhagen commitments.
- The exclusive use of English as the official language of the IEOM represents a problem in some countries, where an exception to the rule should be envisaged.
- During each IEOM interpreters are to follow minimum training in election terminology or at least systematically receive a glossary of election terminology.

III. RELATIONS WITH INSTITUTIONS OF THE COMMONWEALTH OF INDEPENDENT STATES (CIS)

A worrying aspect of the problem of the observation of elections in the OSCE area involves the mistrust and criticisms by various Member States of the CIS vis-à-vis the IEOM, even though CIS Member States take part in it.

This mistrust may notably have been increased by the unacceptable behaviour of a number of observers during some elections in the CIS area, as well as by imbalances observed on some occasions with respect to the geographical origin of the members of the ODIHR Core Team, of long or short-term observers, both parliamentary and non-parliamentary. Corrections have already been made and must continue to be made in this area. It is

important for the IEOM's credibility in the OSCE area that the geographical origin of their members be balanced at all levels.

This mistrust can, however, not be eliminated by merely making internal corrections to the election observation mechanisms implemented by the OSCE (OSCE PA and ODIHR) and by associated parliamentary assemblies.

In our opinion two measures seem to be desirable in this respect:

1. Increasing the number and quality of OSCE/ODIHR observation missions "West of Vienna" in order to meet certain criticisms by the CIS in terms of "double standards".

This measure will, however, have budgetary consequences for the ODIHR, the parliamentary assemblies and the Member States.

2. Associating the CIS Interparliamentary Assembly to the OSCE missions (OSCE ODIHR and PA) as well as the other associated parliamentary assemblies (EP, PACE, NATO PA).

Some will object that this could make the drafting of a consensual "Statement of Preliminary Findings and Conclusions" more difficult on the day following some elections. But such difficulties also crop up in the framework of the current composition of the IEOM (see Ukraine in March 2006).

Coexistence, during certain elections, of two observation missions (OSCE and AIP/CIS) and the differences between the two resulting post-election statements, appear to present much more serious risks to us for the cohesion of the OSCE and the consolidation of democracy within it.

To the contrary the invitation of the AIP/CIS to join the IEOM, on an equal footing with the other participating parliamentary assemblies, would allow for a dialogue to be launched between them on the development of common criteria for the evaluation of the compliance of an election with the 1990 Copenhagen commitments. If this approach were to eventually end up with the inclusion of the AIP/CIS in the IEOM, it would be an efficient way to progressively eliminate mutual mistrust in terms of election observation.

In order to start this process we suggest, among others:

1. that the Chairman-in-office sounds out the CIS authorities on the matter;
2. further contact between the President of the OSCE PA and other IEOM-related assemblies with the AIP/CIS bodies;
3. that the ODIHR management develops contacts with the "International Institute for Monitoring the Development of Democracy" set up by the AIP/CIS.

MECHANISMS FOR ELECTION OBSERVATION

INTRODUCTION

1. Antecedents

The complexity of OSCE election observation missions is a source of the problems that the Organisation is now experiencing in this field. This complexity can be explained historically and an understanding of its scope requires one to step back into the past for a moment.

The fall of the Berlin Wall marked the end of the Cold War, the East-West split and the political and ideological divide setting two systems against each other. The heads of state and government of the CSCE, meeting in Paris from 19th to 21st November 1990, optimistically proclaimed "a new era of democracy, peace and unity". By affixing their signatures at the foot of the "Paris Charter", they undertook to implement all the commitments made under the Helsinki Final Act, which included the commitment to promote and encourage the effective exercise of civil and political rights and freedoms (point 7 of the Final Act). With the victory of the democratic system of government, the time had come to remember, in Paris, that "democratic government is based on the will of the people, expressed regularly through free and fair elections".

Drawing on the Copenhagen Document, which had been adopted a few months earlier (July 1990) by the Second Conference on the Human Dimension of the CSCE, the heads of state and government undertook in the Paris Charter to cooperate in order to "strengthen democratic institutions and promote the application of the rule of law".

In Copenhagen, all the OSCE countries had committed themselves to organising democratic elections, so this commitment was reinforced by the Paris Charter. The Copenhagen Document sets out the principles underlying democratic elections. These principles remain the touchstone by which elections in the OSCE area are judged today. Paragraph 8 of the Document underlines the role played by national and foreign observers in improving the course of the election process. Observation of electoral processes therefore emerges as an important task in terms of supporting the democratic transition. Paragraph 8 stipulates that "participating States therefore invite observers from any other CSCE participating States and any appropriate private institutions and organisations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law".

In order to help States implement these decisions, the Paris Charter established the Office for Free Elections and based the headquarters of this institution in Warsaw. The Office began operating in May 1991, with a director and an administrator as its only staff. Its mission consisted in facilitating contacts and exchange of information. The first "observed" elections were the general elections in Albania in March 1992. In July 1992, the Helsinki Conference expanded the mandate of the OFE to the entire human dimension and set out its tasks. The OFE became the Office for Democratic Institutions and Human Rights (ODIHR) and was entrusted with a double mission in the electoral field: election support and the coordination of

international observers. V.-Y. Gheballi^[1] points out that the coordinating role of the ODIHR was not fully accepted. The Parliamentary Assembly of the Council of Europe considered that this role fell to it. The Swiss researcher adds "the entrance of the OSCE Parliamentary Assembly – which was awarded a mandate to observe elections - seems to have complicated the situation further".

The Paris Charter also expressed a wish to see the creation of an OSCE parliamentary assembly. In April 1991, the parliaments of participating States met in Madrid and adopted a resolution establishing such an assembly. The Parliamentary Assembly of the Council of Europe and the European Parliament also became involved in election observation.

Referring to this period, Hrair Balian, head of the ODIHR Election Section, noted in 2001: "In earlier years, competition for visibility between these organisations prompted each to issue, at separate press conferences, their separate documents detailing findings and conclusions which frequently diverged, at times significantly".^[2]

In order to remedy this unfortunate trend, the President of the OSCE Parliamentary Assembly and the OSCE Chairman-in-Office signed a cooperation agreement between the PA and the OSCE in Copenhagen in 1997. The agreement sets out a series of procedures including, in particular, the coordination of the production and distribution of two essential documents: the preliminary post-election statement and the final report. This agreement will be examined in greater detail in section VI.

2. OSCE Parliamentary Assembly and election observation in 2006

The first OSCE Parliamentary Assembly formal meeting took place in Budapest in July 1992. The first elections observed were the Russian Federation State Duma elections of December 1993. The strengthening of democratic institutions in OSCE Participating States is one of the main objectives of the OSCE PA. To pursue this objective the OSCE PA has an extensive Election Observation Programme. In 2006, the PA deployed an observation mission in Belarus, Ukraine, Latvia, Bosnia-and-Herzegovina and twice in Montenegro (Referendum and parliamentary elections). Due to the summer session held in Brussels from 3 to 7 July, the PA could not participate to the Election Observation Mission in FYR of Macedonia.

Most of the time the OSCE PA, the PA of the Council of Europe and the European Parliament send a delegation of parliamentarians to observe an election when there is an ODIHR Election Observation Mission on the spot. ODIHR provides not only the results of 4 or 5 weeks of long term observation through interim reports and briefings, but also the logistic support necessary to the deployment: deployment plan and timetable, LTO support, interpreters and transport. The ODIHR core team experts agglomerate and process the data collected by the parliamentarians. Parliamentarians are using an abbreviated observation form based on the ODIHR STOs form.

The OSCE PA proposes and the Chairman in Office appoints a "Special Coordinator for leading the OSCE short-term observation mission" who is a senior member of the PA.

^[1] V.-Y. GHEBALLI, L'OSCE dans l'Europe post-communiste, 1990-1996. Vers une identité paneuropéenne de sécurité, E. Bruylant, Brussels, 1996, p. 480-490.

^[2] H.BALIAN, More effort needed for better elections, *in* Ten Years of ODIHR : Working for Human Rights and Democracy (1991-2001), OSCE/ODIHR, Warsaw, 2001, p. 24-39.

3. ODIHR and election observation in 2006

The Director of the ODIHR is Ambassador Christian Strohal. The head of the Election Department, Gerard Mitchell, is in charge of a team of 17 staff and manages a budget amounting to 5,770,000 € for 2006.

- Objectives of election observation

OSCE election observation missions have a dual objective: (1) to assess electoral processes on the basis of commitments made by the OSCE and (2) to make recommendations, where necessary, to ensure that these processes comply with the commitments. The aim is to help Participating States to improve their election procedures to the benefit of their citizens.

- Which elections should be observed?

With limited resources at its disposal, the ODIHR must make a choice from the thirty or so elections that are organised each year in the OSCE area. It chooses to deploy an observation mission where this will result in the greatest added value – that is, in the Participating States “emerging from a non-democratic past”. Nevertheless, the ODIHR is beginning to focus its attention on the electoral challenges arising in long-established democracies. In these countries it will deploy, for a more limited period, an election assessment mission made up of a group of experts comparable to the Core Teams.

- What does an election observation address?

In the early years the ODIHR limited itself to observing polling day. At the Budapest Summit (1994), the Participating States recognised the need for a less cursory observation and gave the ODIHR the responsibility of developing a methodology for "replacing the instant photo with a film". It did this by publishing, in 1996, the Election Observation Handbook (5th edition in 2005). From then on, observation was to address all aspects of the electoral process:

- the analysis of the legal framework: mainly electoral law
- the functioning of the electoral administration
- the unfolding of the campaign
- the media environment and fair media access
- the complaints and appeal procedures
- the ballot itself
- the count and tabulation of results
- the announcement of results

- Types of election mission

The dispatch of an election mission is always preceded by an invitation by the government concerned. The Participating States are required to send this invitation (point 8 of the Copenhagen Document).

The first phase then consists in ODIHR sending a needs assessment mission which, in dialogue with the authorities, will define the extent of any observation mission that might be dispatched.

The scope of observation missions is highly variable. They may be complete (with short-term observers), limited (without short-term observers) or confine themselves to an assessment by a few experts of specific aspects of the electoral process.

Assessment missions are sent to OSCE countries with "a long democratic tradition". Missions of this type were also sent by the OSCE, in 2005, to Palestine and Afghanistan.

- Composition of a standard election observation mission

The Director of the ODIHR is responsible for the general supervision of a mission. The Head of the Election Department and the spokesperson assists him. The Director appoints the head of the OSCE/ODIHR observation mission, who is chosen from a list of key individuals renowned for their political sense and competence in election matters.

A standard mission is made up of:

- A core team, which brings together – apart from the mission head and his deputy – election, political and media analysts, a legal expert, a long-term observer (LTO) coordinator, a logistics and security officer and a financial officer.
- Long-term observers, deployed in regional centres six to eight weeks before polling day.
- ODIHR short-term observers (STOs), who arrive three to four days before the elections and leave the country one or two days afterwards.
- Parliamentarians, who join the mission two days before Election Day.
- National support staff: administrative and logistics assistants, interpreters and drivers.

A political figure designated by the Chairman-in-Office as a “Special Coordinator” leads the short-term OSCE observer mission. This political figure should normally be the President of the OSCE PA or an OSCE PA senior official recommended by the OSCE PA in consultation with the Chairman-in-Office (Cooperation Agreement 1997). He/She works in close coordination with the head of the ODIHR mission and the chairmen of the delegations from the other parliamentary assemblies.

As an example, the short-term phase of the 2nd round of the presidential elections in the Ukraine (21st November 2004) was observed by an "International Election Observation Mission" headed by Mr. Bruce George, former president of the OSCE Parliamentary Assembly. On that occasion the ODIHR deployed over 500 STOs. There were 70 parliamentarians, who came from the parliamentary assemblies of the OSCE, the Council of Europe, NATO and the European Parliament.

The ODIHR core team arrived in Kiev on 1st September 2004, with the first round of elections being arranged for 31st October. The LTOs were deployed on 14th September. The ODIHR long-term mission remained in place until after the repeat of the 2nd round of elections (early January 2005).

4. Personal Envoys of the Chairman-in-Office of the OSCE

In his letters dated 14th March 2006, the Chairman in Office, Mr. Karel De Gucht, made Mr. François-Xavier de Donnea, Minister of State, Member of the House of Representatives of Belgium, Member of the OSCE PA, and Mr. Jan Petersen, former Minister of Foreign Affairs of Norway, Member of the Norwegian Parliament, responsible for preparing a comparative and confidential report on the functioning of election observation mechanisms as they are implemented in practice, including by OSCE/ODIHR.

Their terms of reference are attached to this report (Annex 1).

This report is divided into sections corresponding to each of the subjects covered under point 2 of the terms of reference, worded as follows:

“The C-i-O’s Personal Envoys will start with the forthcoming elections in Belarus and Ukraine where they will follow, in particular, aspects of the short-term observation related to :

- a. preparation, organization and content of short-term observers’ briefings;
- b. criteria used for the recruitment and deployment of OSCE/ODIHR and non-OSCE/ODIHR observers and their geographical diversity;
- c. method of analyzing reports from OSCE/ODIHR and non-OSCE/ODIHR observers;
- d. drafting and coordination of post-election statements of the OSCE/ODIHR and other organizations;
- e. the relations between these different organizations on the ground.”

In this context, Personal Envoys de Donnea and Petersen followed, from March until October 2006, the observation missions of the presidential elections in Belarus and the legislative elections in the Ukraine, the limited observation mission of the Italian elections, the referendum observation mission in Montenegro, the observation missions of the legislative elections in Macedonia and the legislative and presidential elections in Bosnia-Herzegovina.

Mr. de Donnea and Mr. Petersen also held extensive consultations with the main institutions involved in election observation. They went to Warsaw to meet the Director of the ODIHR and the members of his Election Department. They met the President of the OSCE /PA in Stockholm and the Secretary General of the OSCE/PA and his staff in Copenhagen. They met the Secretary General of the PA of the Council of Europe in Strasbourg, the Director of the Election Department of the European Parliament in Brussels. They went to London to meet the former President of the OSCE/PA Mr. Bruce George.

On 20th June Mr. de Donnea and Mr. Petersen went to Moscow where they held talks at the Russian Federation’s Ministry of Foreign Affairs with Mr. Bodrov, Deputy Director of the Department of European Cooperation, and Mr. Lukashek, Head of the OSCE desk. They also met Mr. Rushailo, Secretary General of the CIS, and Mr. Krotov, Secretary General of the Interparliamentary Assembly of the CIS. They held consultations with members of the CIS

IPA : Mrs. Orlova and Messrs Dzasokhov, Litvin, Torshin and Chernyavskiy. They held talks with Mr. Veshnyakov, Chairman of the Russian Central Electoral Commission. They paid a visit to the Russian Public Institute of Electoral Law and held talks with its Director and staff.

Whenever they took part in an election observation, Mr. de Donnea and Mr. Petersen had discussions with the Special Coordinator appointed by the Chairman-in-Office, with the heads of the parliamentary delegations and with ODIHR officials.

SECTION I : RECRUITMENT OF OBSERVERS

We analysed the recruitment of Core Team members and observers deployed by the ODIHR in Belarus, Ukraine, Italy, Montenegro (June 2006), Macedonia and Bosnia-Herzegovina. We shall describe the various functions of the members of a mission, the conditions and experience required to be recruited and the geographical balance of recruitment.

1. Special Coordinators and ODIHR Heads of mission

A distinction must be made in this respect between the election observation mission set up by the OSCE/ODIHR and what the Election Observation Handbook calls the "partnership" between the ODIHR and the other observation bodies – the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly. All these institutions cooperate with one another and with the ODIHR within the framework of an "International Election Observation Mission" (IEOM). The participation of two of its main institutions, the PA and the ODIHR, makes the OSCE as a whole the core of the IEOMs.

The partnership functions on a pragmatic basis. The only written agreement governing the collaboration between the ODIHR and the OSCE PA is the Cooperation Agreement (1997) mentioned in the introduction. Under the terms of this agreement, the OSCE Chairman-in-Office nominates the President of the OSCE PA or a high ranking member of the PA, recommended by the Assembly in consultation with the Chairman-in-Office, as the "Special Coordinator responsible for leading the OSCE short-term observation mission". The Special Coordinator appointed by the Chairman-in-Office Mr. De Gucht to coordinate the missions in Belarus and the Ukraine was Mr. Alcee Hastings, President of the OSCE PA. At the referendum observation in Montenegro the Special Coordinator was Mr. Nevzat Yalcintas, Vice-President of the OSCE PA, in Bosnia-Herzegovina Mr. David Heath, a member of the PA. In Macedonia, the OSCE/PA could not deploy an observation mission because the elections and the PA summer session fell on the same first week of July.

The Special Coordinators who have led past OSCE short-term observation missions are presidents or former presidents of the PA, vice-presidents, the PA representative in Vienna or, more rarely, members of the PA. In 2005 and 2006, coordinators have been American, British, Finnish, Swiss, Swedish, Ukrainian, Italian, Danish and Turkish.

The head of the ODIHR EOM, a mission that works both in the short-term and the long-term, is described as the ODIHR On-site Coordinator in the Cooperation Agreement. Recruiting this person is the prerogative of the ODIHR director, who has a list of likely candidates to carry out this mission. In order to prevent the choice of EOM head becoming bogged down in

tedious procedures, we do not feel it is appropriate to force the director to consult bodies outside the ODIHR in advance. However, the ODIHR director ensures and must continue to ensure that over time the EOM heads come from sufficiently diverse geographical and professional backgrounds, and also that they have personal experience of the various aspects of an EOM and the nature of the work undertaken by the STOs, LTOs and members of the Core Team.

The Chairman of the Russian Central Electoral Commission (CEC), Mr. Veshnyakov, is proposing however that the On-Site Coordinators are selected by the ODIHR Director from a list of candidates approved in advance by the OSCE Permanent Council. The ODIHR's choice should then be approved on each occasion by the Chairman-in-Office. This proposal is inspired by the CIS practice whereby the Permanent Committee of the Representatives of Member States must approve the candidate for the head of the CIS election observation mission.

However, it appears to us that this procedure does entail risks. In the event that the "consensus minus one" is not reached with regard to the list of candidates, the ODIHR choices risk being paralysed. Nor do we think it is appropriate for the CiO to approve the On-Site Coordinator, as this would make the procedure cumbersome and might politicise an appointment that must remain professional and functional. In order to meet the demands for greater transparency in the nomination of the On-Site Coordinator, it is sufficient, in our view, for the list of potential candidates to be communicated by the ODIHR to the OSCE Permanent Council.

Ex post transparency in respect of the choices of On-Site Coordinators made seems to us to provide an adequate guarantee of the objectivity of these choices.

In 2006, the post of EOM head was held by ambassador Geert Ahrens (GE) in Minsk, by ambassador Lubomir Kopaj (SK) in Kiev and Sarajevo, by Mr. Peter Eicher (US) in Italy, by Mr. Jorgen Grunnet (DK) in Montenegro (May 2006) and by Mrs. Audrey Glover (UK) in Skopje.

The head of the delegation from the PA of the Council of Europe is, as a rule, the chairman of the permanent delegation from the PA for the country concerned. This was the case in Minsk, Kiev and Podgorica.

The head of the delegation from the European Parliament is, as a rule, the chairman of the permanent delegation from the EP for the country in question. This was the case in Minsk, Kiev and Podgorica.

The head of the delegation from the NATO PA in Kiev was the president of the PA.

2. Core Team

The members of the Core Team are recruited by the ODIHR director and the head of the Election Department using an electronic database holding the CVs of candidates for these roles. Most candidates send in their applications on an unsolicited basis. Their government does not delegate them unless this is at the request of the ODIHR. They must have long experience in election matters and election observation. A number of them also have

experience with other international organisations that observe elections, such as the UN and EU.

The electronic database is not accessible to individuals outside the ODIHR. Each Core Team candidate can access only his personal data. However, once a Core Team has been put together, the composition and qualifications of its members are available.

The management of ODIHR must ensure that those recruited are not only qualified but also capable of working together and forming a united team.

The Core Team members observed were of diverse geographical origins: 9 nationalities were represented in 12 members in Minsk, 14 nationalities in 16 members in Kiev, 8 nationalities in 9 members in Podgorica (Referendum), and 12 nationalities in 14 members in Sarajevo. The CIS was present with 1 Uzbek in Minsk and 1 Russian in Kiev. It is important that recruitment is balanced and reflects the diversity of the member States and particularly the weight of the CIS. The ODIHR says that it ensures that this is the case and uses the Diversification Fund at its disposal for this purpose.

As for the professional profiles of the Core Team members, they are rich and varied.

The deputy head of the mission in Belarus was Britain's Paul O'Grady. In the Ukraine, the post of deputy was held by the Italian Riccardo Chelleri. In Italy this post was held by Stephan Krause (GER), in Podgorica by Richard Chambers (UK), in Skopje once more by Stephan Krause and in Sarajevo by Beata Martin-Rozumilowicz (US). The other members of the Core Team, election analyst, political analyst, legal analyst, media analyst, statistical analyst, LTO coordinator, logistics and security officer, financial officer, Parliamentary Assembly liaison officer, almost all present a profile that is as rich and varied, often linked more closely to their field of expertise. Less experienced are the young people starting out as assistants alongside a more seasoned analyst.

3. Long-term observers (LTOs)

LTOs are financed and made available to the ODIHR by Participating States. The ODIHR does not have *a priori* control over the persons sent. In order to promote a good geographical distribution of LTOs and STOs, the ODIHR can turn to the Diversification Fund, which was allocated a budget of 1,018,478 euros in 2004, 796,742 euros in 2005. The LTOs financed by this fund are not necessarily nominated by their governments. In fact certain countries are very discreet about the existence of this fund!

We noted that the geographical origin of the LTOs deployed in Belarus was well distributed, with 16 nationalities represented for 37 LTOs, and that the diversity in the Ukraine was not quite so high, with 16 nationalities for 52 LTOs. In Montenegro the 20 LTOs came from 15 different countries. In Macedonia the 20 LTOs came from 14 different countries and in Bosnia-and-Herzegovina the 17 LTOs came from 12 different countries.

The ODIHR provides States that request it with an assessment of their LTOs. Sweden requests this on a systematic basis. This practice should be adopted by all participating States. Furthermore, the ODIHR has just developed a form to be used by STOs when assessing the performance of LTOs.

4. Short-term observers (STOs)

STOs are also financed and made available to the ODIHR by participating States. The ODIHR also draws on the Diversification Fund to ensure that the geographical origin of STOs is balanced.

No State may nominate more than 10% of the total number of observers.

A good geographical distribution of STOs is essential to ensure the credibility of an election observation mission. The CIS representatives that we met are also very insistent about this point.

The need to carry out prior training of STOs (and LTOs, etc) on either a national or regional basis before they set off on their first mission has been emphasised by several of the people spoken to. Their ex post assessment must also be systematised and generalised by the Core Team members and LTOs. Their governments must be duly informed of these assessments and take them into account when making subsequent STO nominations.

The interpreters for the STOs must also receive training to introduce them to election terminology. In Belarus, Ukraine, Macedonia and Bosnia-Herzegovina they were provided with a glossary of election terminology. This practice must be recommended.

The geographical origin of the ODIHR STOs deployed in Belarus was well distributed, with 35 nationalities represented for 422 observers. In Ukraine, the ODIHR STOs were 570 coming from 37 different countries. In Montenegro the situation was even better with 321 STOs from 37 nationalities. If one takes into account the parliamentarians the nationalities represented to observe the referendum in Montenegro amounted to 45.

It is only since the last elections in Azerbaijan (November 2005), that Russia has started sending STOs within the framework of the OSCE/ODIHR mission. An observation mission from the CIS Secretariat was also present in Belarus, however, and there was a CIS PA mission in the Ukraine.

This means there were observers from the CIS in these two countries on two different observation missions: the one from the OSCE/ODIHR and PA and the one from the CIS. Differences became apparent between the conclusions of these two missions with regard to complying with the Copenhagen commitments (1990) during the aforementioned elections. Such a situation inevitably generates tensions and a political divide between two groups of member States of the OSCE: the CIS members and the others.

Therefore it would be appropriate to invite, after having consulted the PACE, the European Parliament and the NATO Assembly, the CIS Interparliamentary Assembly to join the International Election Observation Mission on the same footing as the PACE, the European Parliament and the NATO Assembly.

Such an invitation would have the merit of triggering a dialogue between the aforementioned Assemblies on the method of election observation and the criteria that must be met by elections in order to satisfy the 1990 Copenhagen commitments. This dialogue should lead to criteria that are common to all the assemblies, including the CIS IPA.

5. Parliamentary observers

The geographical origin of the parliamentarians deployed by the OSCE/PA in Belarus was distributed over 23 nationalities with a total of observers of 105.

In Ukraine, the OSCE/PA deployed 101 parliamentarians from 28 different nationalities. The Parliamentary Assembly of the Council of Europe sent 43 parliamentarians from 24 nationalities. The European Parliament sent 11 observers from 7 nationalities. The NATO Parliamentary Assembly 26 parliamentarians from 14 nationalities.

6. Recommendations with regard to recruitment

- The choice of the ODIHR Head of mission must remain the prerogative of the director of the ODIHR. However, the list of candidates from which he chooses the Head of Mission should be sent for information to the Members of the Permanent Council each time that it is updated.
- The criteria that justified the choice of ODIHR Head of mission, together with his qualifications, must be accessible to the permanent representatives of participating States.
- Their geographical origin, noted at observations over one or two years, must be sufficiently diverse.
- The recruitment of members of the Core Team must also remain the prerogative of the ODIHR management. Once they have been appointed, the criteria giving rise to their selection must be accessible to the permanent representatives of participating States. It is essential to keep trying to ensure that their geographical origins have sufficient diversity.
- It is essential to keep trying to ensure that there is geographical diversity among LTOs. The Diversification Fund must be maintained and built up for this purpose. The participating States that are systematically under-represented should be encouraged to turn to the fund if their absence is due to budgetary reasons. They should give the necessary publicity to the opportunities offered by this fund and do this in environments that are likely to produce LTOs and STOs.
- STOs must receive training prior to their departure on a regional or national basis.
- The assessment of the LTOs and STOs must be systematised and taken into account by member States.
- Interpreters must receive minimum training in election terminology. The distribution of a glossary of election terminology, as was done in Sarajevo, must become the rule.
- It is important to avoid two different delegations of observers from the CIS, one within the delegation from the OSCE/PA or the OSCE/ODIHR and the other outside it, as was the case in Kiev and Minsk. To this end, it seems to us to be desirable to invite the CIS Interparliamentary Assembly to join the international election observation mission conducted by the OSCE.

SECTION II : PREPARATION AND BRIEFING OF OBSERVERS

1. Preparation and briefing of ODIHR STOs

- A. We attended STO briefings in Minsk and Kiev. We felt that these briefings were, on the whole, well planned and well attended by the STOs, who were present in large numbers in both Minsk and Kiev. A lot of emphasis is placed upon the presentation by all the ODIHR mission's Core Team members of the results of the long-term observation they carried out with the LTOs.
- B. Some of the people spoken to in Moscow considered, however, that certain reports are too imbued with subjectivity, or even political prejudices, when given by certain speakers (LTOs and/or Core Team members). It is obvious that these speakers must stick to the facts and take care to avoid formulating any value judgements.
- C. In Montenegro the written documentation given to STOs was more complete than in Minsk or Kiev. The block of blank questionnaires provided to each STO was preceded by 12 pages of detailed explanations on the questions that STOs needed to ask in polling stations (55 questions per polling station). This significantly reduces the risk that the meaning of the questions will be interpreted in different ways.

In addition, a "Short-Term Observer Handbook" was particularly well thought out and complete.

The programme featured a regional briefing of STOs by LTOs on Thursday evening and another one on Friday.

Finally, the STO programme for the Saturday prior to the election was better clarified and fleshed out: recognition and familiarisation with the area allocated to each STO team, observation of "campaign silence" and a meeting with the LTOs on reporting.

D. RECOMMENDATIONS

D.1. The briefings could, however, be enhanced by:

- systematically drawing the attention of the STOs to the type of electoral frauds that are likely to be practised at the elections in question, and also to the likely signs of these frauds;
- planning a presentation of the method of statistical analysis applied to the forms to be filled in by the STOs, so that they have a better understanding of their relevance and importance in terms of the objective assessment of the electoral process.

D.2. The text of the code of conduct to be followed by STOs (see Annex 2) seems to us to be appropriate.

D.3. The information and supervision given to STOs in Montenegro should be the model to follow in future on this subject.

2. Preparation and briefing of parliamentary observers

- A. We attended parliamentary STO briefings in Minsk and Kiev. The agenda for the briefings in Minsk is set out in the Annex 3. They were spread over Friday afternoon and Saturday morning. On the Friday the ODIHR Core Team members came to display the results of the long-term observation. On the Saturday morning a lot of time was devoted to listening to the representatives of political parties, the Chairman of the Central Electoral Commission, representatives of the press and NGOs observing the electoral process. On the whole these briefings were well planned and interesting, even if they were sometimes a bit long.
- B. The briefings in Minsk and Kiev were characterised by quite significant parliamentary absenteeism, although this was less marked on Saturday morning than on Friday afternoon. In Minsk, for example, out of 400 parliamentary observers, an average of around fifty attended the Friday afternoon briefing. The proportion was of the same order in Kiev. There were approximately twice as many people in attendance on Saturday morning, but this was still too low as a proportion. Some parliamentarians did not arrive until Saturday afternoon, or even Sunday morning!
- C. We noted that among various parliamentarians there was a lack of knowledge about the methodology of analysis applied to the forms to be filled in by them on Election Day and varying levels of scepticism about their use. We do not share this scepticism, and consider that these forms are a useful data collection tool for observers, who cannot content themselves with "sniffing", in a more or less subjective manner, the atmosphere in polling stations and at the vote counting operations. Methodical statistical analysis of thousands of forms completed by STOs makes it possible to objectify the significance and reasonably systematic nature of anomalies observed on Election Day inside polling stations and when the votes are being counted.

However, this analysis is only one of the elements that must be taken into account when assessing compliance with the 1990 Copenhagen commitments during a given election.

- D. The presence of parliamentary STOs is essential. The political and electoral experience of parliamentary STOs qualifies them more particularly to appreciate the greater or lesser importance of the various deficiencies observed during the campaign and on Election Day in terms of compliance with the 1990 Copenhagen commitments. In addition, the presence of parliamentarians gives more visibility and political resonance to the election observation. The work of the ODIHR and that of the PA delegations are complementary.
- E. However, it would be inappropriate if only the parliamentarians were responsible for the political assessment of the compliance of the elections in relation to the

Copenhagen commitments and to international standards, while the ODIHR concentrated on detecting technical and administrative defects. The ODIHR, which carries out the long-term observation of the electoral process and election campaign and the short-term observation of Election Day, must also be closely involved in assessing the compliance of the electoral process with these standards.

F. RECOMMENDATIONS:

F.1. The pursuit of effective cooperation between the ODIHR and the OSCE Parliamentary Assembly is fundamental (cf. OSCE PA Brussels Declaration of 7th July 2006).

This requires full compliance with the letter and spirit of the agreement signed in Copenhagen in 1997 between the CiO and the President of the OSCE PA.

F.2. Following the example of the PA of the Council of Europe, the OSCE PA, the European Parliament and, if need be, the NATO PA should dispatch a small parliamentary delegation for two or three days during the election campaign so that they can familiarise themselves with the electoral legislation and appreciate the atmosphere of the election campaign, in collaboration with the ODIHR mission. The most appropriate time would be between the publication of the ODIHR's first and second interim reports. This would not only allow each PA to prepare itself better for election observation, but would also allow it to pass on to the country's authorities the malfunctions that have already been recorded in the ODIHR's first interim report.

This means, in particular, that the Chairman-in-Office must nominate the OSCE PA Special Coordinator sufficiently early.

F.3. During the winter and summer meetings of the OSCE PA, the ODIHR should organise – outside the meetings – an information session on its election observation methodology, aimed at the parliamentarians present who plan to take part in an election observation mission in the months that follow.

F.4. The ODIHR election observation mission should inform through its website, its briefings and in general all the used channels about the participation of the OSCE/PA to the observation mission.

F.5. At pre-election briefings for parliamentary STOs, the ODIHR must include a session presenting the methodology of statistical analysis concerning the forms to be filled in by the parliamentary and non-parliamentary STOs.

F.6. The parliamentarians joining an election observation mission must undertake to arrive on site before the start of the briefings organised for their benefit and to attend these briefings.

SECTION III : DEPLOYMENT OF OBSERVERS

1. Deployment of LTOs and STOs

In Belarus and the Ukraine 2006 elections, and also in Montenegro, Macedonia and Bosnia-Herzegovina, the ODIHR LTOs and the ODIHR and parliamentary STOs covered the entire territory. We felt this deployment was more than satisfactory in these five countries, as shown in the following table.

	BEL	UKR	MONT	FYROM	BiH
Number of Pol. Stations	6586	34039	1130	2976	4221
% Pol. Stations visited	36 %	12 %	86 %	57 %	38 %
Number of counting reported	229	301	105	147	NK
Number of 2nd level Election Commissions*	165	225	21	84	142
Number of 2nd level EC visited to observe tabulation	104	55	21	81	61

*The 2nd level Election Commissions are the Municipal Election Commissions (MECs), the Territorial Election Commissions (TECs) or the District Election Commissions (DECs) depending on the country.

2. Institutional origin of the STOs

International Election Observation Missions are a common undertaking of several institutions. OSCE/ODIHR's role is central. Parliamentary assemblies are adding a worthy contribution to the deployment of ODIHR short term observers, as shown in the following table.

STOs	BEL	UKR	MONT	FYROM	BiH
ODIHR	439	900	267	364	299
OSCE/PA	104	98	55	-	46
PACE**	-	46	*26	18	19
EP***	-	16	12	-	-
NATO/PA	-	25	-	-	-
TOTAL	543	1085	366	382	364

*The 26 STOs from PACE are to be divided in 18 from PACE as such and 14 from the Congress of Local and Regional Authorities of the Council of Europe.

**Parliamentary Assembly of the Council of Europe

***European Parliament.

3. Deployment of parliamentary observers

Parliamentary STOs tend to concentrate in or around the capital. This tendency was particularly marked in Belarus, where only four parliamentarians came out of Minsk. In the Ukraine out of 179 deployed parliamentarians, 113 (63%) stayed in Kiev, 36 (20%) observed

in the Kiev Region and 30 (17%) went to another region. In Montenegro, out of 98 parliamentarians, 36 observed the referendum in the capital Podgorica. The other 62 were deployed in 11 of the 20 remaining municipalities.

When they are concentrated in the capital region, the parliamentarians inevitably have a less complete view of the electoral process and vote counting operations than non-parliamentary STOs, regardless of the statistical analysis of the forms returned by one group and the other.

RECOMMENDATION: the deployment of parliamentary observers must be systematically balanced between the capital and the rest of the country. Parliamentarians who wish to take part in an observation mission must agree to be deployed in the provinces, if necessary, in accordance with the needs of balanced parliamentary observation.

SECTION IV : METHOD OF ANALYSIS OF OBSERVER REPORTS

1. Reports from long-term observers (LTOs)

Reports from LTOs are synthesised and analysed in two to three successive interim reports published during the period of observation prior to the election.

They serve as the basis for the "Statement of Preliminary Findings and Conclusions" that is published the day after the elections.

This Statement will also contain the results of the short-term observation that are already known on Monday morning. It will have been the subject of an agreement between the parliamentary delegations and the ODIHR.

Around six weeks after the elections, the ODIHR final report will incorporate all the results of the short-term and long-term observations, together with recommendations to the authorities of the country concerned for improving legislation and the administration of the electoral process required to comply with the letter and spirit of the Copenhagen commitments.

Reports from LTOs are crucial for assessing, in particular:

- the quality of the registration of electors and electoral lists;
- the freedom enjoyed by political parties and candidates to conduct their election campaign;
- the access to audiovisual and written media and to other means of expression (posters, Internet etc) enjoyed by candidates and their parties;
- the quality of the administration of the electoral process;
- the effectiveness and fairness of electoral legislation;
- the handling and monitoring of complaints and appeals;

- the freedom enjoyed by domestic and international observers.

These reports are fundamental to be able to measure the degree of transparency and fairness of the electoral process and its compliance with the 1990 Copenhagen commitments and with international standards (free and fair elections). However, they cannot form the sole basis of the Statement of Preliminary Findings and Conclusions. Indeed, it may be that the electoral process is marred by fraud and/or malfunctions that discourage electors from voting on Election Day. Observations of the opening of the ballot boxes, the vote count and tabulation at elections must also be taken into account in the Statement of Preliminary Findings.

While some parliamentarians encountered in Minsk and Kiev expressed doubts about certain aspects of the ODIHR methodology for processing data from STOs, they all emphasised the crucial importance and value of the long-term observation carried out by the ODIHR.

Some of them would like interim reports to be published on a weekly basis. This would perhaps be too demanding a pattern, but the number of interim reports could be higher than it is at the moment.

2. Reports from OSCE/ODIHR STOs

The method of analysis for STO reports is described in detail in the work by Mr. Hans Schmeets (NL) entitled *The 1997 Municipal Elections in Bosnia and Herzegovina. An analysis of the observations* published by Kluwer Academic Publishers in 1998. Mr. Schmeets was the statistical analyst in the ODIHR Core Team in Minsk, Kiev and Sarajevo.

An example of the observation of voting forms used by the ODIHR and parliamentary STOs in the countries where we observed elections within the framework of our mission are set out in the Annex 4. The "parliamentary" form is less technical and shorter than the others. The forms take account of the specific characteristics of the various types of election. They cover the observation of the opening of polling stations, the operation of the voting process and the counting of ballots. Each observer is supposed to visit about ten polling stations. In practice the average number of polling stations visited is lower for parliamentary STOs than for the others.

The ODIHR methodology for the statistical analysis of STO forms makes it possible to bring out the systematic and recurrent or otherwise nature of certain malfunctions or frauds in the polling stations or during the counting and the results.

We feel that this work is essential to help objectify the results of the short-term observation. It offers an objective, systematic and general substrate for the fragmentary or even subjective observations made by each observer.

The fact of having to fill in a form provides the STOs with a reference framework and data collection instrument. It ensures that they do not forget to note down important signs of fraud or malfunctioning in the polling stations or in the process of the counting and the results.

The Preliminary Statement issued the day after the elections is based on just a proportion of the short-term observation forms. This proportion is obviously even lower when the vote

counting process took a long time and the press conference given by the OSCE Special Coordinator takes place early in the day.

The ODIHR methodology has been taken up *mutatis mutandis* by the UN and EU, as well as by various NGOs active in the domestic or international observation of elections. In Kiev we met the head of the ENEMO (European Network of Election Monitoring Organisations) mission in the Ukraine, Mr. Peter Novotny, and Mr. Igor Popov, chairman of the CVU (Committee of Voters of Ukraine) board, who both told us about their confidence in the ODIHR methodology. They are very largely inspired by this methodology, even if they are unable to reproduce it in full due to budgetary reasons.

This being said, the quantitative results of the short-term observation must be the subject of qualitative evaluations by the parliamentary delegation heads, the Core Team and the LTOs. They must all ask themselves whether or not any malfunctions or frauds seen could undermine compliance with the Copenhagen commitments and, if so, to what extent.

Some of them consider, however, that the questionnaires to be filled in by the STOs present certain deficiencies. The ODIHR should ask the OSCE PA and other relevant PAs to formulate constructive criticism in this respect, should they wish to do so.

3. Reports from CIS observers

CIS missions (organised by the Secretariat General in Belarus and the CIS IPA in the Ukraine) base their work on the "Convention on Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the CIS" (text in Annex 5).

The code of conduct for CIS observers is set out in the document entitled "Regulations about CIS observation missions for Presidential and Parliamentary Elections, as well as Referenda in Member States in the CIS" (see Annex 6).

The CIS Interparliamentary Assembly has been sending observers since March 1994 to all the presidential and legislative elections in the member States of the CIS. The parliaments of these States confirm the invitation to the CIS IPA on each occasion. The observer missions are made up of delegates from national parliaments.

The CIS EOMs are on the spot during the election campaign and on Election Day.

The CIS Assembly created the International Institute for Monitoring the Development of Democracy, Parliamentarianism and Suffrage Observance (IIMDD), which assists the election observation missions in terms of methodology.

The representatives of the CIS IPA whom we met in Moscow on 20th June 2006 told us that they use the same methodology as the ODIHR for both long-term and short-term observation.

The CIS observers, however, state that they set out essentially to verify the compliance of the electoral process with national legislation and the regularity of operations on Election Day. The CIS considers that the OSCE/ODIHR attaches too much importance to the political climate prevailing during the election campaign, to the detriment of short-term observation.

They consider that the results of the short-term observation occupy too little space in the preliminary statement.

The CIS is pleading in favour of adopting criteria that are shared with the OSCE PA for the observation of elections.

In Belarus the CIS mission published two interim reports dated 20/2 and 13/3/2006, in addition to its post-election statement.

4. Recommendations

A. OSCE/ODIHR reports :

- The method of statistical analysis used for the reports from ODIHR short-term observers must be safeguarded.
- However, the content of the forms does not have to be immutable. The forms must be adapted to the specific characteristics of each election. The ODIHR should seek the views of the assemblies on the standard questionnaires currently in existence.
- It is essential to give parliamentary and non-parliamentary observers a clear explanation of the nature and scope of the forms to be completed on Election Day and the method of statistical analysis to which they are subjected.
- In its successive reports concerning a given election, the ODIHR must make a clear distinction between the observations pointing out breaches of the Copenhagen commitments and observations highlighting technical or administrative problems - i.e. ones that must be corrected but do not have any significant impact on compliance with these commitments. This would facilitate dialogue between the parliamentary delegations, the ODIHR management and the Core Team during consultation meetings on the Statement of Preliminary Findings and the press release. The number of interim reports (currently two or three) could be increased.
- It is important that the conclusions from observations continue to be the fruit of close collaboration and dialogue between non-parliamentary and parliamentary observers, though with the latter having to submit to a clear and restrictive code of conduct.
- In future the long-term observation undertaken by the ODIHR should devote more attention to the financing methods for candidates and parties, and also to the use of mobile telephone networks and the Internet in the election campaign, from the point of view of strict compliance with the 1990 Copenhagen commitments.

B. OSCE/ODIHR-CIS consultation :

- The ODIHR and IIMDD of the CIS IPA should meet to compare their methodologies and practices in terms of election observation. It is desirable for them to develop common criteria for observing and assessing elections in relation to the Copenhagen commitments.
- The leading figures in the OSCE PA and CIS IPA should engage in a dialogue from the same perspective, without prejudicing the contacts to be held with the other assemblies on this subject.
- The "Joint Statement of the Council of the CIS Interparliamentary Assembly and the Bureau of the OSCE PA", signed on 16/6/98 in Saint Petersburg, provides a conventional framework for such a meeting (see Annex 7).

SECTION V: PRODUCTION AND COORDINATION OF THE POST-ELECTION STATEMENT

1. Production of the Statement of Preliminary Findings and Conclusions

In Minsk and Kiev, on the Thursday and Friday prior to the election, the director of the ODIHR, the head of the ODIHR Election Department and the ODIHR head of EOM drew up a draft Statement on the basis of the interim reports and debriefing of the LTOs and Core Team members. This draft is completed on Monday morning with the initial conclusions from the STO reports and debriefing of parliamentarians, which takes place in the early hours on Monday and is chaired by the Special Coordinator.

A first exchange of views on how the campaign was conducted took place on Friday afternoon between the Special Coordinator, other heads of PA delegations, ODIHR management and head of EOM.

In both Minsk and Kiev, the ODIHR management insisted that the draft Statement was only distributed to the Special Coordinator and other heads of PA delegations on Saturday after 18.00 hours. The purpose of this is to avoid media leaks the day before the election. The behaviour of two parliamentarians, who lost their accreditation on the spot in Minsk, illustrates the fact that not all the parliamentary observers have the same conception of ethics and duty of confidentiality, particularly as far as the press is concerned, that is imposed upon them.

The draft Statement was the subject of a first exchange of views with the parliamentary delegations on Saturday evening. The same applied to the press release, the first draft of which is written by the ODIHR press officer, then completed by the press officers of the other institutions under the supervision of the Special Coordinator and the other heads of PA delegations.

On Monday morning, after the debriefing of parliamentarians, the final consultation meeting is held under the chairmanship of the Special Coordinator in order to put the finishing touches to the press release and the Statement of Preliminary Findings and Conclusions that will be

attached to it. For practical reasons (translating and printing the texts), this latter consultation meeting must take place no later than three hours before the start of the press conference.

In both Minsk and Kiev, the refusal of the ODIHR to communicate the text of the draft Statement before Saturday evening irritated the Special Coordinator and certain parliamentary delegation heads.

Even if it is true that a large part of the Statement is based on interim reports that are made public before their publication, it is still a delicate matter to take the risk of circulating all or part of the "final" conclusions of an election observation the day before the election. Apart from the impact that this might have in the media and therefore on electors, it would reinforce the opinion of certain critics of the OSCE/ODIHR that the judgements given by the OSCE/ODIHR on certain elections are written in advance in accordance with geopolitical concerns or prejudices.

This is not the case, though, seeing that the conclusions of the short-term observation and evaluation of the general conduct of the campaign and Election Day are only formulated on the Monday morning following the election.

The CIS representatives consider that the Preliminary Statement must take account of the opinions of all observers, including those whose view does not tally with that held by the majority. It is indeed very important to seek a consensus that provides the maximum reflection of all points of view, but it is also essential to avoid, as far as is possible, including "minority notes" in the Preliminary Statement.

It appears to us to be important to involve the Special Coordinator nominated by the Chairman-in-Office, or his representative, in the production of the draft Preliminary Statement, as was done, we might add, in Podgorica in May 2006. This procedure greatly facilitates dialogue and trust between the ODIHR, OSCE PA and other parliamentary delegations present.

It should be noted that putting the finishing touches to the text of the Preliminary Statement did not cause any problems in Podgorica (May 2006), Skopje or Sarajevo.

2. Press conference

The Copenhagen Cooperation Agreement dated 2nd September 1997 makes provision for the preliminary post-election statement to be made as a rule during the afternoon of the day following the election.

The agreement stipulates that this represents a compromise between the time constraints on parliamentarians and the technical requirements of the ODIHR, which needs enough time to carry out a sufficiently detailed analysis of the results of the observation of Election Day and vote counting.

In addition, it is desirable that the press conference does not take place too late in the afternoon to achieve maximum media impact.

In both Minsk and Kiev, the choice of time for holding the press conference gave rise to tense discussions between the Special Coordinator and the ODIHR management.

In view of the fact that it took such a long time to open and count the votes in the Ukraine, the ODIHR was not short of arguments to plead for a later hour than the 13.00 hours that was finally set.

In Minsk the press conference took place at 14.00 hours.

Holding press conferences too early on the day following the election can damage the credibility of conclusions that certain people will claim were drawn even before it was possible to go through a significant number of STO reports and before having a sufficiently wide view of how the counting procedures were going.

It is essential for the credibility of the OSCE/ODIHR mechanism for election observation that during the press conference the Special Coordinator can make a statement that is the subject of a consensus between all the PA's and the ODIHR. This does not prevent the representative of each organisation from emphasising different - but complementary – aspects of the joint statement.

This was not the case in Kiev. In his verbal comments, the representative from the PA of the Council of Europe made more critical statements than his colleagues with regard to the electoral process. We think that this could have been avoided if the press conference had been held a little later so as to allow more time for consultation between the parties represented at the consultation meeting on Monday morning.

It should be noted that the production of the text for the press conference did not cause any problems in Podgorica (May 2006), Skopje or Sarajevo.

3. Recommendations

- A. The procedures concerning the production of the Statement of Preliminary Findings and Conclusions, set out in the 1997 Cooperation Agreement, must be maintained and respected; however, the Special Coordinator or his representative must be included in the production of the draft Statement.
- B. As far as possible, the text of the Preliminary Statement must be the subject of a consensus. It is essential to avoid contradictory statements outside this.
- C. It is vital to stick to the stipulations of the 1997 Cooperation Agreement concerning the procedures and timing for the post-election press conference.
- D. Observers – whether parliamentary or not – must formally undertake that they will not make statements to the press or take part in political meetings or demonstrations before the end of the press conference chaired by the Special Coordinator.

SECTION VI : RELATIONS BETWEEN THE VARIOUS ORGANISATIONS ON THE GROUND

1. Relations between OSCE PA and ODIHR: the 1997 Copenhagen Cooperation Agreement

Relations between the OSCE PA and the ODIHR are governed by a cooperation agreement signed in Copenhagen on 2nd September 1997 (see Annex 8).

It is essential that all parties comply with the letter and spirit of this agreement.

This agreement covers, in particular, the following points:

- Assessment Mission (NAM): the ODIHR initiates NAMs in consultation with the OSCE PA, which may assign a representative to them.

RECOMMENDATION: It would be helpful if the OSCE/PA systematically assigned a representative to the NAM. The ODIHR must ensure that it informs the Assembly sufficiently early of the planned dates for NAMs so that it can delegate a representative (parliamentary or not) to them.

- Exchange of information: the ODIHR secretariat and ODIHR On-Site Coordinator must provide the OSCE/PA with all useful information for the briefing files given out to parliamentarians before they leave. The ODIHR and the OSCE/PA must send each other the names and nationalities of their respective STOs.
- Briefing of parliamentarians: the agreement stipulates: “Recognising that it is often difficult for parliamentarians to arrive in time for the OSCE/ODIHR general observer briefing, ODIHR will assist the OSCE/PA in providing a separate subsequent briefing for parliamentarians whenever necessary”. These separate briefings took place in Minsk, Kiev and other observed EOMs on the Friday afternoon prior to the election. But a very large number of parliamentarians arrived well after the start of the briefings.

RECOMMENDATION: In the code of conduct for parliamentary observers, make provision for them to undertake to arrive before the start of the briefings organised for their benefit and to attend these briefings. This provision is already set out in the directives of certain parliamentary assemblies.

- Deployment: the objective is to draw up an integrated deployment plan for parliamentary and non-parliamentary STOs. This objective is achieved for non-parliamentary STOs. Parliamentary observers often tend to be concentrated in and around the capital.
- The OSCE Special Coordinator must logically continue to belong to the OSCE PA which delegates the largest number of observers on the ground.

He must show tact in dealing with the other heads of parliamentary delegations and the ODIHR in order to reach a consensus on the joint statement the day after the elections.

- Briefing and debriefing: This point sets out, in particular, that the Special Coordinator or another high level official from the OSCE PA must remain on the spot until after the STOs have been fully debriefed (within 24 to 48 hours).
- Preliminary Post-Election Statement: see comments and recommendations above.
- Final report: the final reports issued by the ODIHR and OSCE/PA must avoid containing direct contradictions. It is desirable that they contain recommendations approved by both institutions.

2. Relations with the other parliamentary assemblies

The other parliamentary assemblies – essentially the European Parliament and the PA of the Council of Europe, and occasionally the NATO/PA – work under the coordination of the Special Coordinator nominated by the Chairman-in-Office of the OSCE.

The relations between assemblies are not explicitly governed by an agreement, but are implicitly governed by the 1997 Cooperation Agreement. This sets out that: "This Special Co-ordinator ... will deliver the preliminary post-election statement in conjunction with other appropriate officials".

The delegation heads meet on various occasions (see above) to reach agreement on the statement that they will make to the press and on the Statement of Preliminary Findings and Conclusions.

The purpose is to avoid conflicting voices being heard at or outside the post-election press conference.

RECOMMENDATIONS : contacts must be made with the Presidents of the aforementioned assemblies so as:

- To encourage them to draw up a common code of conduct for parliamentary observers on the basis of the existing code of conduct for OSCE/ODIHR STOs, the revised election observation guidelines of the PA of the Council of Europe, the "Guidelines for EP Election Observation Delegations" and the UN Code of Conduct for international election observation.
- It is desirable that the Presidents of the OSCE/PA, PA of the Council of Europe, European Parliament and NATO/PA reaffirm, in particular, the importance of ensuring that parliamentarians, in the interest of the credibility of their observation missions, comply with certain specific obligations (specific duties of confidentiality, attendance at briefings and debriefings, constraints to be accepted in terms of deployment etc).

- It is particularly important to specify the time until which the freedom of expression of parliamentary observers must be restricted.

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ANNEXES

CiO's Personal Envoys on the Functioning of Election Observation Mechanisms

Terms of reference

- 1- The Chairman-in-Office has decided to create a small group of personal envoys, under his responsibility, in charge of preparing a comparative and confidential report on the functioning of election observation mechanisms as they are implemented in practice, including by OSCE/ODIHR.
- 2- The C-i-O's Personal Envoys will start with the forthcoming elections in Belarus and in Ukraine where they will follow, in particular, aspects of the short-term observation related to:
 - a. preparation, organization and content of short-term observers' briefings;
 - b. criteria used for the recruitment and deployment of OSCE/ODIHR and non-OSCE/ODIHR observers, and their geographical diversity;
 - c. method of analyzing reports from OSCE/ODIHR and non-OSCE/ODIHR observers;
 - d. drafting and coordination of post-election statements of the OSCE/ODIHR and other organizations;
 - e. the relations between these different organizations on the ground.

In their analysis, the C-i-O's Personal Envoys will take into consideration the link between long-term and short-term observation, as well as other aspects of observation methodology, as appropriate. The respective activities of international and domestic election observation will also be taken into consideration.

- 3- The C-i-O's Personal Envoys will implement their mission in close contact with the OSCE/ODIHR, which will provide necessary assistance, in particular access to information, as well as facilitating contacts as far as possible with other relevant organizations.
- 4- The C-i-O's Personal Envoys will not depend on host governmental authorities for any support in order that their visit be fully independent, nor should there be separate meetings with host governmental authorities.
- 5- The C-i-O's Personal Envoys will have full respect for the workings of the election observation missions to fulfil their mandate and the time pressures that each mission is subject to, and will undertake their activities in the field without interfering in the various observation efforts themselves.
- 6- The OSCE/ODIHR will arrange for accreditation in order that the C-i-O's Personal Envoys may visit some polling stations / counting centres. In this context, accreditation deadlines will need to be respected.

- 7- The C-i-O's Personal Envoys will have no contact with media under any circumstances, before, during or after the respective visit.
- 8- The C-i-O's Personal Envoys will report, exclusively and in confidence, to the Chairman-in-Office on the conduct of the observation process, and can add to their report comments and remarks deemed useful in the framework of the preparatory discussions on the OSCE/ODIHR report to the Ministerial Council in December 2006.
- 9- The C-i-O will decide on the further use of the reports, as appropriate, bearing in mind that useful conclusions can only be drawn on the basis of experience gained in the course of observations of several elections and that it should serve as a contribution in the framework of the discussions on the reform process.
- 10- If necessary, the modus operandi of the C-i-O's Personal Envoys will be reviewed following the experience in Belarus and Ukraine for the possible visits to other forthcoming elections.

CODE OF CONDUCT FOR OSCE/ODIHR OBSERVERS

- Observers will maintain strict impartiality in the conduct of their duties and will, at no time, publicly express or exhibit any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process.
- Observers will undertake their duties in an unobtrusive manner and will not interfere in the electoral process. Observers may raise questions with election officials and bring irregularities to their attention, but they must not give instructions or countermand their decisions
- Observers will remain on duty throughout election day, including observation of the vote count and, if instructed, the next stage of tabulation
- Observers will base all conclusions on their personal observations or on clear and convincing facts or evidence
- Observers will not make any comments to the media on the electoral process or on the substance of their observations, and any comment to the media will be limited to general information about the observation mission and the role of the observers
- Observers will not take any unnecessary or undue risks. Each observer's personal safety overrides all other considerations.
- Observers will carry any prescribed identification issued by the host government or election commission and will identify themselves to any authority upon request.
- Observers will comply with all national laws and regulations.
- Observers will exhibit the highest levels of personal discretion and professional behaviour at all times
- Observers will attend all required mission briefings and debriefings and adhere to the deployment plan and all other instructions provided by the OSCE/ODIHR Election Observation Mission

Briefing Program
OSCE Parliamentary Assembly (OSCE PA) Delegation
Election Observation, Belarus

Hotel Yubileiny, Conference Hall
Minsk, Belarus

Friday, 17 March

- 11.30 Bus transportation from Hotel Minsk to Hotel Yubileiny
- 11.30-12.00 Registration
- 12.00-13.30 ***Welcome and Briefing on the OSCE and OSCE/ODIHR EOM***
President Alcee L. Hastings, Head of the OSCE Parliamentary Assembly delegation and appointed by the OSCE Chairman in Office as the Special Co-ordinator of the short-term observers
Ambassador Geert Hinrich Ahrens, Head of the OSCE/ODIHR EOM
Ambassador Åke Peterson, Head of the OSCE Office in Minsk
- Overview of the Candidates and the Election Campaign***
Evgenii Dainov, ODIHR EOM Political and Campaign Analyst
- The Media and the Elections***
Marek Mračka, ODIHR EOM Media Analyst
- Election Legislation and Election Complaints***
Tigran Karapetyan, ODIHR EOM Legal Analyst
- The Election Administration***
Dimitar Dimitrov, ODIHR EOM Election Analyst
- Election Observation***
Paul O'Grady, Deputy Head of ODIHR EOM
- Questions***
- 13.30-14.15 ***Welcome from the Central Election Commission***
Mrs. Lydia Yermoshina, Head of the Central Election Commission
- 14.15-14.30 Coffee break
- 14.30-16.00 ***Meeting with representatives of the media***
Mr. Anatoly Lemeshenok, Chairman of Belarusian Union of Journalists
Ms. Zhanna Litvina, Chairperson of Belarusian Association of Journalists
Mr. Alexander Zimovsky, Chairperson of the National State Teleradiocompany of the Republic of Belarus
Mr. Iosif Seredich, Editor-in-chief, Narodnaya Volya newspaper
- 16.00-16.15 Coffee break
- 16.15-17.30 ***Meeting with NGOs***
Ms. Tatsiana Protko, Head of Belarusian Helsinki Committee
Prof. Oleg Manaev, Director of Institute of Socio-Economic & Political Studies
Mr. Jury Chavusau, Assembly of Belarusian Pro-Democratic NGOs
- 17.30-18:00 ***Long Term Observers, deployment of teams, security, logistics and finance information***
Kerstin Dokter, ODIHR EOM LIO Co-ordinator
Tiina Ehrnrooth, Parliamentary Liaison
Robert Lech, ODIHR EOM Senior Logistics Officer
Małgorzata Fałęcka, ODIHR EOM Finance Officer
Igor Mihailevski, ODIHR EOM Security Officer

Saturday, 18 March

9:30 **Bus transportation from Hotel Minsk to Hotel Yubileiny**

9.30-10.00 **Registration**

Welcome from the House of Representatives
(Cancelled)

10:00-12.30 ***Meeting with candidates or their representatives***

Mr. Alexandr Kozulin
Mr. Alaksandr Milinkevich
Mr. Sergei Gaidukevich
Mr. Alexandr Lukashenko (TBC)

End of briefing

12.30 **PA Teams observing in Minsk and staying overnight in Minsk**

Deployment information and regional briefing
Long Term Observers Team 1 (Conference Hall)
Long Term Observers Team 2 (First floor)
Long Term Observers Team 3 (Second floor)

PA Teams observing outside Minsk and staying overnight outside Minsk
Meeting with Interpreters & Drivers
Departure

13:00 **PA Teams observing in Minsk and staying overnight in Minsk**

Meeting with Interpreters & Drivers

Sunday, 19 March

All day **Election Observation**

Monday, 20 March

8:00 **Transportation from Hotel Yubileiny to Hotel Minsk**

08:30 **Debriefing of Parliamentary Observers at Hotel Minsk**

Press Conference (Timing TBC)

Team number:

Form number: **B**

Region (oblast)

DEC

PEC

- 31. Was the process seriously hampered by overcrowding or **disorganisation**?
- 32. Was the ballot box/es not properly **sealed**?
- 33. **Identical signatures** on the Voters List ?
- 34. Indications of **ballot box stuffing** ?
- 35. Have any PEC members or candidate/party observers been **ejected or dismissed** ?
- 36. Have **official** complaints been noted ?

Y	N	N/K

If you answer YES to any question in section I, please describe in a Form E

J. Unauthorised persons

37. Are unauthorised person/s present ? If, **YES**, to question 37, who?

- Police
 Military
 Security
 Local authorities
 Other

K. Domestic Observers

38. Are domestic election observers present?

L. Arrangements and Transparency

- 39. Was the polling station **overcrowded** ?
- 40. Were **premises adequate** for voting ?
- 41. Were all phases of **voting process** and ballot boxes **visible** to PEC and observers?
- 42. Were you **prevented** in your **observation** in any way?

Y	N	N/K

M. Voters observed

43. How many persons voted while you were **observing** the voting at this Polling Station?

- Less than 10
 10-20
 21-40
 More than 40

N. General Evaluation (4=very good, 3=good, 2=bad,1=very bad)

44. How do you rate the conduct of voting at this PS?

4	3	2	1

O. Evaluation of specific issues

- 45. General environment/Circumstances
- 46. PEC organisation of work
- 47. PEC members' understanding of voting procedures
- 48. Voters' understanding of procedures
- 49. Accuracy of the Voter List

4	3	2	1

**Election Observation Mission to Ukraine
Parliamentary Elections - 26 March 2006**

Team number:

--	--	--	--

Form number:

--	--	--	--

(For internal use)

A. Polling station ID:

Region (oblast)

--	--	--	--

 DEC

--	--	--

 PEC

--	--	--

The Polling station is: Urban Rural Prison Absentee Hospital

5 PEC Chairperson: Male Female

B. Time in Polling Station (24hrs clock):

Arrival time (hh:mm):

		:		
--	--	---	--	--

 Departure time (hh:mm):

		:		
--	--	---	--	--

C. Voters list

10. How many voters are registered on the Voter List?

--	--	--	--

12. How many voters have voted so far?

--	--	--	--

D. Outside the Polling Station

	Y	N	N/K
1 Are campaign materials present/visible outside the Polling Station?			
2 Are campaign activities taking place in the vicinity of the Polling Station?			
4 Is the Polling Station accessible for persons with disabilities?			

E. The Polling Station – Environment and Atmosphere

	Y	N	N/K
18. Observed any active campaigning inside the Polling Station?			
19. Observed any form of intimidation inside or outside the Polling Station?			
20. Observed attempt to influence voters how to vote?			
21. Was there tension inside the Polling Station during the voting?			
22. Were you given full access to the Polling Station?			
23. Did you receive the necessary information from the Polling Station officials?			

F. Unauthorised persons

37. Are unauthorised person/s present? If **YES**, to question 37, who?
 Police Military Security Local authorities Other

	Y	N	N/K

G. Domestic Observers

38. Are domestic election observers present? If **YES**, to question 38, who?
 NGO Political Party/Candidates Other

	Y	N	N/K

H. Election material

8. Were all necessary election materials present? If **NO**, to question 8, which?
 Voter list Ballot box(es) Ballot papers Protocols Other

	Y	N	N/K

I. Procedures: Irregularities observed

	Y	N	N/K
24 Was the secrecy of the vote compromised?			
25 Did you observe voters being handed more than one Parliament election ballot (<i>multiple voting</i>)?			
26 Did you observe voters receiving ballots for other persons (<i>proxy voting</i>)?			
27 Did you observe voters voting in groups (<i>family voting</i>)?			
28 Did you observe voters using pre-marked ballots (<i>carousel voting</i>)?			
29 Did you observe the same person "assisting" numerous voters?			
30 Anyone denied the right to vote for inappropriate reasons?			
31 Was the process seriously hampered by overcrowding or disorganisation?			
32 Was the ballot box (es) not properly sealed?			

J. Official complaints

36. Have official complaints been noted?

	Y	N	N/K

K. Evaluation (4=very good, 3=good, 2=bad, 1=very bad)

47. How do you rate the PEC members' understanding of voting procedures?
 48. How do you rate most voters' understanding of voting procedures?

	4	3	2	1	N/K
47					
48					

L. Overall Assessment

44. How do you rate the conduct of voting at this PS?

	4	3	2	1	N/K
44					

CONVENTION ON THE STANDARDS OF DEMOCRATIC ELECTIONS, ELECTORAL RIGHTS AND FREEDOMS IN THE MEMBER STATES OF THE COMMONWEALTH OF INDEPENDENT STATES¹

(Kishinev October 7, 2002)

The member states of this Convention (hereinafter referred to as "the Parties"), considering the aims and principles of the Charter of the Commonwealth of Independent States, reaffirming the importance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which establish that the will of the people as expressed in periodic and genuine elections shall be the basis of the authority of government, as well as the documents of the Organization for Security and Cooperation in Europe, the Council of Europe and other international organizations on the conduct of free and fair elections,

Convinced that the recognition, observance and protection of human and civil rights and freedoms, the development and perfection of the democratic institutions of expression of the will of the people and the procedures for their realization in accordance with the universally accepted principles and norms of international law on the basis of the national constitution and legal acts are the purpose and obligation of a law-based state, one of the inalienable conditions for social stability and further strengthening of cooperation between the states in the name of the realization and protection of the ideals and principles which constitute their common democratic asset,

Wishing to facilitate the consolidation and improvement of the democratic systems of representative government, democratic traditions of expression of the will of the people in elections, realization of other forms of the power of the people based on the supremacy of law and maximum consideration for the national and historical traditions,

Convinced that elections are one of the political and legal instruments of a stable civil society and sustainable development of a state,

Recognizing the value of the national experience in the legal regulation of elections accumulated by the member states of the Commonwealth of Independent States, guarantees of the electoral rights and freedoms of a human being and citizen,

Determined to assure the combination of the universally accepted election standards and national norms for the regulation of elections, electoral rights and freedoms of a human being and citizen, as well as the guarantees for their realization and protection; implement the provisions of this Convention on the basis of the constitution and national laws and the appropriate state policy,

Wishing to lay down the guarantees for organization of public and international observation of elections in the member states of this Convention,

Have agreed as follows:

Article 1 Standards of Democratic Elections

1 Democratic elections are one of the supreme direct expressions of the power and will of the people, the basis of elective bodies of state power and bodies of local self-government, other bodies of popular (national) representation, elective officials.

2 The Parties recognize that the election standards are the following: the right of a citizen to elect and be elected to bodies of state power and bodies of local self-government, other bodies of popular (national) representation; periodic and mandatory, fair, genuine, free elections based on universal, equal suffrage and held by secret ballot, which ensure free expression of the will of voters; open and public elections; judicial and other protection of electoral rights and freedoms of a human being and citizen; public and international observation of elections; guarantees for realization of electoral rights and freedoms of participants in the electoral process.

¹ Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States// *Scientific-Practical Commentary to the Federal Law "On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum"* Moscow. Norma. 2003 P 773

3. The right of a citizen to elect and be elected shall be laid down by the constitution and/or laws and the procedure for its exercise shall be established by laws and other legal acts. Legislative regulation of the right to elect and be elected, election procedures (election systems), as well as restriction of electoral rights and freedoms shall not limit or abolish the universally accepted civil and human rights and the constitutional and/or legislative guarantees for their exercise, and shall not be discriminatory.

4. Elections shall be called and conducted on the basis of the constitution and laws.

5. Elected persons, who polled the required number of votes established by the constitution, law, shall assume office in the procedure and at the time established by laws, thereby admitting their responsibility to voters, and shall remain in office until the period of their powers expires or these powers are terminated otherwise, as provided by the constitutions, laws in accordance with the democratic parliamentary and constitutional procedures.

6. The legitimate and public nature of elections, protection and realization of the electoral rights and freedoms of citizens, candidates, political parties (coalitions), participating in elections, implementation of the constitutional principles of organization of the electoral process in law enforcement practices shall be assured by the judicial, administrative and other means of protection.

7. Foreign nationals, stateless persons, foreign legal entities, international public movements, international organizations shall not be allowed to participate, directly or indirectly, in any activity conducive or obstructive to the preparation and conduct of elections to the bodies of state power and bodies of local self-government, other bodies of popular (national) representation, election to elective offices.

Article 2 Universal Suffrage

1. Observance of the principle of universal suffrage means the following:

(a) each citizen, who has attained to the age established by the constitution, laws, has the right to elect and be elected to the bodies of state power and bodies of local self-government, other bodies of popular (national) representation, elective offices, subject to the conditions and in the procedure provided by the constitution and laws;

(b) the right of a citizen to elect and be elected to the bodies of state power and bodies of local self-government, other bodies of popular (national) representation, elective offices is realizable irrespective of any discriminatory restrictions on account of sex, language, religion or faith, political or other convictions, ethnic or social origin, national minority or ethnic group to which the citizen belongs; property status; or other similar circumstances;

(c) each citizen, residing or staying during the period of the national elections outside the territory of his state, has the same electoral rights as the other citizens of his state. Diplomatic and consular missions, their officials shall assist citizens in the realization of their electoral rights and freedoms;

(d) each citizen has a guaranteed right to receive information about his inclusion on a voters list, correct this information so as to ensure the completeness and accuracy of this list, and appeal, in the procedure established by law, the refusal to include him on a voters list.

Article 3 Equal Suffrage

1. Observance of the principle of equal suffrage means the following:

(a) each voter has one vote or the same number of votes as other voters; he may exercise his right to vote equally with other voters and his vote (votes) is (are) accorded equivalent weight to that of other voters and the weight of a voter's vote (votes) must not be affected by the electoral system used in the state;

(b) when voting is conducted in single-seat and/or multi-seat electoral districts these districts are formed on an equal basis, so that voting results should reflect the will of the voters most accurately and fully. The criterion of an equal basis may be the approximate equality of single-seat electoral districts with regard to the number of voters or the approximate equality of the number of voters per deputy mandate in multi-seat electoral districts. Deviations from the average representation quota may be allowed for hard-to-reach and remote localities, areas of compact settlement of small indigenous peoples and other national minorities and ethnic groups.

2. Each voter shall have the right to equal and free access to the electoral precinct and to the polling station for exercising his right to participate in free voting.

3. A citizen may be given a possibility to exercise his right to participate in voting through organization of early voting, voting outside the polling station or by means of other voting procedures ensuring the maximum convenience for voters

4. Each citizen shall have equal legal opportunities for self-nomination in elections.

5. Restrictions connected with special requirements to participation in an election campaign of candidates running for election to an elective office for a new term shall be regulated by the constitution and laws. Compliance with the established restrictions must not prevent deputies, elective officials from exercising their powers and performing their obligations to voters.

6. Candidates shall not take advantage of their position or official status to gain election. The list of violations of the principle of equal suffrage and the responsibility for such violations shall be established by law

Article 4

Direct Suffrage

1. Observance of the principle of direct suffrage means that in elections citizens directly vote for the candidate and/or list of candidates or against the candidate, candidates, list of candidates or against all candidates and/or lists of candidates.

2. All deputy mandates of one of the chambers of the national legislative body shall be an object of free competition between candidates and/or lists of candidates in the course of general elections.

3. If a national legislative body consists of two chambers and some of or all mandates of the other chamber of this body are not an object of free competition between candidates and/or lists of candidates in the course of general elections, this does not contradict the provisions of this Convention.

Article 5

Secret Voting

1. Observance of the principle of secret voting means exclusion of any control whatsoever over the expression of the will of voters, assurance of equal conditions for making a free choice.

2. The rights of citizens to secret voting shall not be restricted in any way and by anything.

3. Elections shall be held with the use of a secret voting procedure.

4. Election bodies shall ensure observance of conditions, established by the constitution, law, other legal acts, which make it impossible for anyone to control or watch ballots being marked by voters at the place of secret voting, or do any acts violating the secrecy of voting

Article 6

Periodic and Mandatory Elections

1. Election of elective bodies of state power, bodies of local self-government, other bodies of popular (national) representation, elective officials shall be mandatory and shall be held within the periods established by the constitution and laws

2. Elections shall be held at the intervals established by the constitution, laws so that the basis for the elective bodies of state power, bodies of local self-government, other bodies of popular (national) representation, elective officials be always formed by the free will of the people.

3. The period of powers of elective bodies and officials shall be established by the constitution and laws and may be changed only in accordance with the procedure established thereby.

4. No actions shall be taken or calls made which incite, or aim to incite, disruption, cancellation or postponement of elections, electoral actions and procedures announced in accordance with the constitution, laws

5. In the conditions of a state of emergency or martial law imposed for safeguarding the security of citizens and protecting the constitutional system in accordance with the constitution, restrictions may be imposed by laws on the rights and freedoms, with the indication of their scope and period. and elections may be postponed

Article 7

Open and Public Elections

1. Elections shall be prepared and conducted openly and publicly.

2 Decisions of bodies of state power, bodies of local self-government, election bodies, which are adopted within the scope of their competence and relate to the calling, preparation and conduct of elections, assurance and protection of the electoral rights and freedoms of a citizen, shall be officially published or made known to the general public by other methods, in the procedure and within the period established by laws.

3. Legal acts and decisions affecting the electoral rights, freedoms and obligations of a citizen shall not be applicable unless they have been officially published for general information

4. Within the period established by the election laws the election body shall officially publish the information about the voting returns and elected persons, in its organ or other media outlets.

5. Observance of the principle of open and public elections must ensure creation of legal conditions for public and international monitoring of elections.

Article 8 Free Elections

1. The supremacy of the constitution shall be the basis for holding free elections and for making it possible for citizens and other participants in the electoral process to choose, without any influence, coercion, threat of coercion or any other unlawful inducement, whether to participate or not to participate in elections in the forms allowed by law and by lawful methods, without fear of any punishment or mistreatment regardless of voting returns and election results, as well as the basis for the legal and other guarantees of strict observance of the principle of free elections in the course of the entire electoral process.

2 Participation of a citizen in elections shall be free and voluntary. No one shall compel him to vote for or against any definite candidate (candidates), any definite list of candidates and no one shall compel him to participate or not to participate in elections or prevent him from freely expressing his will. No voters shall be compelled by anyone to declare how he intends to vote or has voted for a candidate (candidates), lists of candidates

3 Candidates, political parties (coalitions) and other participants in the electoral process shall bear responsibility to the public and the state in accordance with the constitution and law. No candidate, no political party (coalition), no other public association or public organization shall use the methods of psychic, physical, religious compulsion or calls for violence or threats of violence or any other forms of coercion.

Article 9 Genuine Elections

1 Genuine elections shall ensure determination of a freely expressed will of the people and its direct realization.

2 Genuine elections shall make it possible for voters to elect candidates on the basis of the constitution and laws. In genuine elections there is real political pluralism, ideological diversity and a multi-party system realized through the functioning of political parties whose lawful activity is under the legal protection of the state.

3. In genuine elections voters shall have free access to the information about candidates, lists of candidates, political parties (coalitions) electoral process, and candidates, political parties (coalitions) - to the mass information and telecommunications media.

4 Elections shall be prepared and conducted with the use of the official language or official languages of the state and, in cases and in the procedure provided by laws, also with the use of official languages of parts of the territory of the state, languages of peoples and nationalities, national minorities and ethnic groups on the territories of their compact settlement.

5 Elections shall be called and electoral actions and procedures carried out in the procedure and within the periods which allow candidates, political parties (coalitions) and other participants in the electoral process to organize a full-fledged election propaganda campaign.

6 In genuine elections equal and fair legal conditions shall be ensured for registration of candidates, lists of candidates and political parties (coalitions). Requirements to registration shall be clear and free from any conditions which may serve as a basis for discriminatory privileges or restrictions. Arbitrary or discriminatory use of the rules for registration of candidates, lists of candidates and political parties (coalitions) shall not be allowed.

7. Each candidate and each political party (coalition), participating in elections, shall accept the voting returns and results of democratic elections and shall have a possibility to appeal, in courts and/or

other bodies, voting returns and election results which violate the electoral rights and freedoms of a citizen, in the procedure and within the period established by laws, international obligations of the state

8 Persons and bodies falsifying vote count, voting returns and election results, interfering with free realization by a citizen of his electoral rights and freedoms, including in the form of a boycott or calls for a boycott of elections, refusal to perform electoral procedures or electoral actions, shall be prosecutable under law

Article 10 Fair Elections

1. Observance of the principle of fair elections must ensure equal legal conditions to all participants in the electoral process

2. Fair elections shall guarantee:

- (a) universal and equal suffrage;
- (b) equal possibilities for participation of each candidate or each political party (coalition) in an election campaign, including access to the mass information and telecommunications media;
- (c) fair and public funding of elections, election campaigns of candidates, political parties (coalitions);
- (d) honest voting and vote counting; rapid provision of full information about voting results and official publication of all election results;
- (e) organization of the electoral process by impartial election bodies, working openly and publicly under effective public and international observation;
- (f) prompt and effective adjudication of complaints about violation of electoral rights and freedoms of citizens, candidates, political parties (coalitions) to be performed by courts and other duly authorized bodies within the time frame of the appropriate stages of the electoral process, assurance of a citizen's right to apply to international judicial bodies for protection and restoration of his electoral rights and freedoms, in a procedure established by the norms of international law

3. Candidates may be nominated by voters of the appropriate electoral district or may nominate themselves. Candidates and/or lists of candidates may be also nominated by political parties (coalitions), other public associations and other entities which have the right to nominate candidates and/or lists of candidates under the constitution, laws

Article 11 Conduct of Elections by Election Bodies (Election Commissions)

1. Preparation and conduct of elections, assurance and protection of electoral rights and freedoms of citizens and control over their observance shall be entrusted to election bodies (election commissions), with their status, competence and powers being established by the constitution, legislative acts.

2. No other structures (bodies, organizations) shall be formed or allowed to operate which supersede election bodies or perform, fully or partially, their functions, or obstruct or unlawfully interfere with their lawful activity, or appropriate their status and powers

3. The procedure for the formation of election bodies, their powers, organization of their activity as well as the procedure, grounds, and time for dissolution of an election body or early termination of the powers of its member shall be established by law. The procedure and time of early termination of powers of members of an election body established by law and appointment by a duly authorized body of a new member of an election body to fill the vacancy shall not prevent the election body from exercising its powers, shall not affect the integrity of the electoral process, delay the performance of electoral actions, violate the electoral rights and freedoms of citizens.

4. The Parties admit that a candidate, a political party (coalition), which nominated a list of candidates, may be granted the right to appoint, in a procedure established by law, one non-voting member to the election body which registered the candidate (list of candidates) and to the lower election bodies for representing this candidate, political party (coalition).

5. A non-voting member of an election body may speak at meetings of the election bodies, make proposals on the questions within the scope of competence of the election body, ask that these questions be put to the vote, submit complaints against actions (omissions) of the election body to the higher election body or to a court, exercise other powers provided by law

6 Decisions taken by election bodies within the scope of their competence shall be binding on the bodies of executive power, state institutions, bodies of local self-government, political parties and other public associations, their authorized representatives, organizations, officials, voters, lower election bodies, other persons and organizations indicated in laws.

7. The Parties shall, by their laws, impose an obligation on state bodies, bodies of local self-government, institutions, organizations and on their officials to assist election bodies in the exercise of their powers and shall oblige TV and radio companies and print media indicated in the election laws to provide, respectively, free air time and free space for information of voters about the election, progress of the election campaign.

Article 12

Funding of Elections and Election Campaigns of Candidates, Political Parties (Coalitions)

1 The activities connected with elections shall be funded from the budget

2. In cases and in the procedure provided by the constitutions and laws the state shall, on a fair basis, allocate budget funds to candidates, political parties (coalitions), participating in elections, and shall allow formation of an extra-budgetary fund at an election body or formation of their own funds to finance their election campaigns, using for these purposes their own money and voluntary donations from natural persons and/or national legal entities, in the amount and in the procedure established by laws. The use by candidates, political parties (coalitions) of any sums of money other than those contributed to the said funds shall be prohibited by and punishable under laws.

3 All foreign donations, including those from foreign natural persons and legal entities, to candidates, political parties (coalitions), participating in elections, to any other public associations, public organizations, which are directly, indirectly or otherwise associated with a candidate, political party (coalition) or are under their direct influence or control and facilitate, or assist in, the implementation of the aims of a political party (coalition), shall not be allowed

4 The Parties shall ensure openness and transparency of all monetary donations to candidates, political parties (coalitions), participating in elections, so as to exclude donations prohibited by law being made to candidates or to political parties (coalitions), which nominated candidates (lists of candidates) in elections

5. Candidates, political parties (coalitions), participating in elections, shall, at the intervals established by law, submit to election bodies and other bodies, designated by law, the information and reports concerning receipt of all donations to their election funds, the donors, all expenditures made from these funds to finance their election campaign. Election bodies shall arrange for publication of such information and reports in the mass information and telecommunications media indicated in laws

6 A special body (bodies) may be organized to control or oversee compliance with the rules and procedures for campaign funding of candidates, political parties (coalitions), or appropriate powers shall be vested in officials or election bodies.

7. A list of violations of the conditions and procedure for making donations, funding the activity of candidates, political parties (coalitions) as well as a list of measures to avert, prevent or stop infractions in election funding and funding of election campaigns of candidates, political parties (coalitions) shall be established by laws, other legal acts

Article 13

Informational Support of Elections and Election Campaigning by the State

1. The Parties shall ensure the freedom of the search for, collection, dissemination of information about elections, candidates and impartial information coverage of elections in the mass information and telecommunications media

2. The mass information and telecommunications media are called upon to keep the population informed about elections, nomination of candidates (list of candidates), their election programs (platforms), the progress of an election campaign, voting returns and election results, operating within the framework of the constitution, laws, international obligations of the state

3. In accordance with law members of the press representing mass information and telecommunications media may:

(a) attend meetings of election bodies to ensure publicity and openness of their activity;

(b) examine documents and materials of election bodies relating to voting returns or election results, make copies of such documents and materials or receive such copies from the election body, pass them on to the mass information and telecommunications media for publication;

(c) attend public campaigning events and cover them in the mass media;

(d) be present at voting, vote counting, establishment of voting returns and election results

4. Citizens, candidates, political parties (coalitions), which nominated a candidate and/or a list of candidates, other public associations, public organizations shall be guaranteed freedom of campaigning carried out in all forms allowed by law and by lawful methods, in the procedure and within periods established by laws, in the conditions of pluralism of opinions and absence of censorship.

5. In accordance with the constitution, laws all candidates, political parties (coalitions), participating in elections, shall have an equal opportunity of access to the mass information and telecommunications media, including such access for presenting their election program (platform).

6. In the course of election campaigning no abuse of the freedom of speech and freedom of mass information shall be allowed, including calls for a violent seizure of power, violent change of the constitutional system and violation of the territorial integrity of a state, warmongering, calls for terrorist or other violent acts inciting social, racial, national, ethnic, religious hatred and enmity.

7. The mass information and telecommunication media of any one member state of this Convention shall not be used for participation in the campaigning when elections are held in the territory of another state

8. The list of violations of the conditions and procedure for campaigning carried out by candidates, political parties (coalitions) and infractions in the coverage of an election campaign by the mass media, which constitute grounds for bringing the violators to responsibility, shall be established by laws.

Article 14

Status and Powers of National Observers

1. Each candidate, each political party (coalition), other public associations (public organizations), each group of voters, other subjects of elections indicated in the constitution, laws may, in the procedure established by laws or by regulations of election bodies organizing the elections, appoint national observers who have the right to carry out observation on voting day, including the day of early voting, at polling stations.

2. The rights and obligations of national observers shall be defined by law

3. National observers shall be granted the following rights:

(a) to examine election documents indicated in election laws; receive information about the number of voters on voter lists and the number of voters who took part in the voting, including early voting and voting outside the polling station;

(b) to be present at the polling station;

(c) to watch ballots being issued to voters;

(d) to be present at early voting, voting outside the polling station;

(e) to watch vote counting under conditions in which the ballot counting procedure is observable;

(f) to watch an election body drawing up protocols of voting returns and election results and other documents; examine the protocol of voting returns drawn up by an election body, including the redrafted protocol; receive certified copies of the said protocols from the election body in cases and in the procedure provided by the national laws;

(g) to make proposals and comments to an election body concerning organization of voting;

(h) to appeal decisions and actions (omissions) of an election body and its members to the next higher election body or to a court

4. In cases and in the procedure provided by laws the rights of a national observer may also be granted to agents of candidates, political parties (coalitions)

5. Election bodies and/or other bodies and organizations may be authorized to organize education of national observers and other election participants in the fundamentals of democratic election technologies, national election laws, international election standards, assurance and protection of electoral rights and freedoms of a human being and citizen

Article 15

Status and Powers of International Observers

1 The Parties reaffirm that the presence of international observers is conducive to openness and publicity of elections. observance of international obligations of states They shall strive to promote access of international observers to electoral processes at levels lower than the national level, down to municipal (local) elections.

2. The activity of international observers shall be regulated by the laws of the country where they work, this Convention, other international documents.

3 International observers shall be granted visas to enter a state in the procedure established by law and, if they have an appropriate invitation, shall be accredited by the relevant election body. Invitations may be extended by bodies duly authorized to do so by law, after official publication of the decision to call the elections. Proposals to extend invitations may be made by the bodies of the Commonwealth of Independent States established under its Charter.

4. The central election body shall issue international observers with an accreditation card of an established form. Such card shall entitle an international observer to carry out observation during the period of preparation and conduct of elections.

5 In the territory of the state where they stay international observers shall be under the patronage of this state. Election bodies, bodies of state power, bodies of local self-government shall, within the scope of their competence, render them necessary assistance.

6 International observers shall carry on their activity by themselves and independently. The activity of international observers shall be technically and financially supported by the organization which sent them and/or at their own expense.

7 International observers shall not use their status to engage in any activity unrelated to monitoring of the election campaign. The Parties reserve the right to withdraw accreditation of international observers who violate laws, universally accepted principles and norms of international law.

8 International observers may:

(a) have access to all documents (except for documents which affect the interests of national security) regulating the electoral process; receive from election bodies necessary information and copies of the election documents indicated in national laws;

(b) establish contacts with political parties, coalitions, candidates, private persons, officials of election bodies;

(c) freely visit all election precincts and polling stations, including on voting day;

(d) observe the progress of voting, vote counting and determination of voting returns under conditions in which the ballot counting procedure is observable;

(e) acquaint themselves with the results of adjudication of complaints (applications) and grievances relating to violation of election laws;

(f) inform officials of election bodies about their observations and recommendations without interfering in the work of election bodies;

(g) publicize their opinion about the preparation and conduct of elections after the end of voting;

(h) present to election officials, bodies of state power and relevant officials their conclusions concerning the results of monitoring of the elections.

9. International observers shall:

(a) observe the constitution and laws of the country where they work, the provisions of this Convention and other international documents;

(b) carry the accreditation card of an international observer, issued in accordance with the procedure established by the country where they work, and produce it whenever requested by election officials;

(c) when performing their functions abide by such principles as political neutrality, impartiality, non-expression of any preferences or opinions with regard to election bodies, bodies of state power and other bodies, officials, participants in the electoral process;

(d) never interfere in the electoral process;

(e) base their conclusions and observations on factual material.

Article 16

Complaints About, and Responsibility for, Violation of Electoral Rights and Freedoms of Citizens

1. In the event of violation of the standards of democratic elections, electoral rights and freedoms of citizens, proclaimed in this Convention, and violation of election laws the injured person or persons shall have the right and possibility to complain about the violation to, and have the violated rights restored by, courts and, in cases and in the procedure provided by laws, election bodies.

2. Persons guilty of unlawful actions (omissions) shall bear responsibility in accordance with laws

Article 17

Electoral Documentation

1. Ballots, other electoral documents, including documents of bodies of state power, bodies of local self-government, election bodies, relating to the conduct of elections shall be drawn up (published) in the official language of the state and official languages of the parts of the territory of the state where elections are held and, in the procedure established by law, in the languages of peoples and nationalities, national minorities and ethnic groups in the territories of their compact settlement

2. Electoral documents used to determine voting returns and election results shall be treated as documents of strict accountability and their degree of protection shall be established by laws

Article 18

Measures Not to Be Considered Discriminatory

1. The electoral rights and freedoms of a citizen set out above may be restricted by the constitution. laws without being considered discriminatory if they provide for:

(a) special measures taken to ensure an adequate representation of some part of a country's population, in particular national minorities and ethnic groups, which, owing to political, economic, religious, social, historical and cultural conditions, are unable to enjoy the political and electoral rights and freedoms on an equitable basis with the rest of the population

(b) restriction of the right to elect and be elected in respect of citizens pronounced to be incapable by a court, persons kept in places of confinement under a court sentence;

2. Restrictions on nomination of candidates and lists of candidates, creation and activity of political parties (coalitions), electoral rights and freedoms of citizens may be imposed in the interests of protection of the constitutional system, national security, maintenance of public order, protection of public well-being and morals. civil rights and freedoms. Such restrictions shall conform to the international obligations of a state

3. In their wish to democratize the electoral process the Parties proceed from the fact that the existing restrictions on, or advantages with regard to, the realization of electoral rights and freedoms, which are provided by the constitution, laws and do not run counter to the international obligations of a state, shall be abolished as proper national conditions appear, so as to ensure that participants in the electoral process have equal legal conditions for participation in elections.

Article 19

Obligations of Member States of the Convention

1. The Parties shall take legislative and other measures to strengthen the guarantees of electoral rights and freedoms for the preparation and conduct of democratic elections and realization of the provisions of this Convention. The standards of democratic elections, electoral rights and freedoms, proclaimed in this Convention, may be guaranteed through their inclusion in the constitution, legislative acts

2. The Parties undertake:

(a) to guarantee protection of the democratic principles and norms of the election laws, the democratic nature of elections, free expression by citizens of their will in elections, reasonable requirements to declaring elections to have taken place and be valid and legitimate;

(b) to take the necessary measures to ensure that the entire election legislation should be adopted by the national legislative body and that the legal standards for the conduct of elections should not be established by the acts of the bodies of executive power;

(c) to strive to ensure that deputy mandates of the other chamber of the national legislative body should be, fully or partially, an object of free competition of candidates and/or lists of candidates in the course of the direct general elections, in the procedure established by laws;

(d) to work for the creation of a system of legal, organizational, informational, guarantees of the electoral rights and freedoms of citizens in the preparation and conduct of elections of all levels; take necessary legislative measures to guarantee women fair and real possibilities, equal to those of men, for exercising the right to elect and be elected to elective bodies and elective offices, both personally and as members of political parties (coalitions) in accordance with the conditions and procedures established by the constitution, laws; create additional guarantees and conditions for participation in elections of persons with physical infirmities (disabled persons, etc);

(e) to carry out registration of voters on the basis of a legislatively established non-discriminatory and effective procedure providing for such registration criteria as age, citizenship, residence, availability of the main document certifying the identity of a citizen;

(f) to establish legislatively the responsibility of persons, furnishing information about voters, for the accuracy, fullness and timely presentation of such information, for ensuring confidentiality of the personal data as prescribed by law;

(g) to facilitate formation of political parties and their free legitimate activity; legislatively regulate funding of political parties and the electoral process; ensure that the law and the national policy should provide for separation of party and state and that election campaigns should be conducted in the atmosphere of freedom and honesty allowing parties and candidates freely to present their political views and opinions, their election programs (platforms) and allowing voters to get acquainted with and discuss them and vote "for" or "against" freely, without any fear of punishment or any kind of persecution;

(h) to adopt measures guaranteeing impartial coverage of the election campaign by the mass media, including in the Internet, and making it impossible to erect legal and administrative barriers preventing political parties and candidates from gaining access to the mass media on a non-discriminatory basis; form a unified data bank of public polls connected with elections from which information must be available for examination or copying to participants in the electoral process and to international observers upon their request; introduce new information technologies, ensuring openness of elections and raising the trust of voters in voting returns and election results;

(i) to adopt national programs of civic education and participate in drafting and adoption of similar international programs; make arrangements for acquainting citizens and other election participants with, and educating them in, electoral procedures and rules, for raising their legal culture and for improving professional qualifications of election officials;

(j) to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and international obligations of the state;

(k) to ensure that candidates, who polled the required number of votes established by law, could properly assume office and remain in office until the period of their powers expires or their powers are terminated in some other manner regulated by law;

(l) to take legislative measures to regulate the list of violations of the electoral rights and freedoms of citizens, as well as the grounds and procedure for bringing to criminal, administrative and other responsibility the persons who use coercion, fraud, threats, forgery or other methods to prevent free exercise by a citizen of the right to elect and be elected, realization of other electoral rights and freedoms laid down by the constitutions and laws;

(m) to facilitate, for the exchange of information and joint use, the creation of a unified data bank containing information about national election laws, participants in the electoral process (with due regard the confidential nature of personal data), law enforcement and judicial practices, legislative proposals for the improvement of the election system, as well as other information relating to the organization of the electoral process;

(n) to promote cooperation between the election bodies of the member states of this Convention, including the creation and/or expansion of the powers of the existing inter-state associations of election bodies.

Article 20

Rights Granted Irrespective of This Convention

1 Nothing in this Convention shall prevent the states from the fulfillment of their international obligations relating to the electoral rights and freedoms of citizens, assumed under international treaties and agreements to which they are a party

2. The exercise of the rights set out in this Convention shall not be detrimental to the realization of universally accepted human rights and fundamental freedoms by all persons.

3. Nothing in this Convention may be construed as allowing any activity which runs counter to the purposes and principles of the Charter of the Commonwealth of Independent States

Article 21

Status of the International Electoral Council

The Parties recognize the need to establish an Inter-State Electoral Council on the basis of the election bodies of the member states of this Convention, which will be called upon to facilitate observation of elections in the member states of this Convention

Article 22

Entry into Force of the Convention

1. This Convention shall enter into force at the date of the deposit of the third notice of the performance by the Parties of the internal state procedures required for its entry into force.

2. As regards the Parties depositing notice of the performance of such procedures subsequently the Convention shall enter into force at the date on which such notice is received by the depositary.

Article 23

Accession to the Convention

1. This Convention shall be open to accession for other states ready to assume obligations thereunder

2. As regards any acceding state this Convention shall enter into force at the date of the deposit of the instrument of accession

Article 24

Withdrawal from the Convention

Any Party may withdraw from this Convention by serving a notice of withdrawal on the depositary.

Article 25

Modification and Amendment

Modifications and amendments may be introduced in this Convention on the basis of a separate protocol which shall form an integral part of this Convention and shall enter into force in accordance with the procedure set out in Article 22 of this Convention

Article 26

Resolution of Disputes Arising From Application or Interpretation of the Convention

The disputes arising from the application or interpretation of this Convention shall be resolved through consultations and negotiations between the interested Parties.

Done at Kishinev this 7th day of October, 2002, in the Russian language, in a single original. The original shall remain deposited at the Executive Committee of the Commonwealth of Independent States which shall transmit a certified copy to each of the signatory states

For the Azerbaijan Republic

For the Republic of Armenia

R. Kocharyan

For the Republic of Belarus

For Georgia

E. Shevardnadze

For the Republic of Kazakhstan

For the Kyrgyz Republic

A. Akaev

For the Republic of Moldova

V. Voronin

For the Russian Federation

V. Putin

For the Republic of Tajikistan

E. Rakhmonov

For Turkmenistan

For the Republic of Uzbekistan

For Ukraine

L. Kuchma

Approved by the Council of
Ministers of Foreign Affairs of
the CIS of 26 March 2004.

REGULATIONS

about CIS observation missions for presidential and parliamentary elections, as well as referenda in Member States in the CIS

The present Regulations are developed on the basis of the CIS Convention on Standards of Democratic Elections, Voting Rights and Freedoms in the Member States of the Commonwealth of Independent States, the summary of activities of CIS observers' groups during preparation and conduct of elections of the highest bodies of government in a number of Member States in the CIS, in the period 1999-2003, and taking into account the "Recommendations for international observers of Commonwealth of Independent States for observation of elections", adopted by Inter-parliamentary Assembly of CIS Member States of 7 December 2002.

1. A CIS observation mission (CIS EOM²) for presidential and parliamentary elections, as well as referenda, is organized and coordinated by the CIS Executive Committee (CIS EC) on the basis of an invitation from the CIS Member State where the election (referendum) is to be held, and the Decision of the Council of Heads of States of the CIS of 30 May 2003, which acknowledged the necessity to continue the practice of deployment of CIS observers to presidential and parliamentary elections, as well as referenda, in CIS Member States.

Upon receiving an invitation from a CIS Member State, where the election (referendum) is to be held, the CIS EC calls on the CIS Member States and CIS bodies with a request to provide a list of persons, who will be included in the CIS EOM.

Within the deadlines provided by the national legislation of the State holding the election (referendum), the CIS EC forwards the list of observers to the respective Central Election Commission for accreditation (registration).

2. The composition of the CIS EOM is determined by the CIS EC.

The CIS EOM may include international observers, representing legislative, executive and election administration bodies of CIS Member States, as well as Commonwealth bodies and integration associations active in the CIS region, who acquire the right to observe the election (referendum) in accordance with the rules set by the national election (referendum) legislation, international treaties and commitments of the CIS Member State, where elections (referendum) are to be held.

3. The groups of CIS observers, representing legislative, executive and election administration bodies of CIS Member States, as well as bodies of the Commonwealth and integration associations active in the CIS region, are headed by coordinators, whose nominations are agreed with the sending party.

The nomination of the Head of CIS EOM is proposed by the CIS EC and is agreed with Council of Permanent Plenipotentiary Representatives of CIS Member States to the statutory and other Commonwealth bodies.

² Here and below the English language translation will refer the CIS OM as CIS EOM.

4. The activities of the CIS EOM shall be regulated by the legislation of the CIS Member State where the election (referendum) is to be held, the Convention on Standards of Democratic Elections, Voting Rights and Freedoms in the Member States of the Commonwealth of Independent States and the international commitments on elections of the CIS Member State where the election (referendum) is to be held.

5. The right and responsibilities of a CIS EOM are in accordance with the Convention on Standards of Democratic Elections, Voting Rights and Freedoms in the Member States of the Commonwealth of Independent States, and the national legislation of the CIS Member States holding the election (referendum).

6. A member of a CIS EOM has the right to:

- a) obtain from election administration authorities the necessary information and copies of electoral documents specified in the national legislation;
- b) contact political parties, coalitions, candidates, individuals and election administration officials;
- c) visit, without impediments, all polling stations, including during the voting day;
- d) observe voting, counting and establishment of counting results under conditions insuring observability of the ballot counting procedures;
- e) familiarize with the practice of handling complaints and appeals, associated with election (referendum) legislation violations;
- f) inform representatives of election administration bodies about his hers observation findings and recommendations, without interfering in activities of the election (referendum) administration;
- g) state publicly his or her opinion on the preparation and conduct of the election (referendum), after the end of voting.

7. A member of a CIS EOM is obliged:

- a) to comply with the Constitution and laws of the host country as well as by requirements of the present Regulations;
- b) to carry with himself or herself the certificate for accreditation (registration) of an international observer, provided to him or her according to the rules of the host country, and present it upon request by organizers of the election (referendum);
- c) to execute his or her duties in politically impartial and unbiased manner, without expressing any preference in relation to election, governmental or other bodies, officials or participants in the election process;
- d) not to interfere in the electoral process;
- e) to base all conclusions on personal observation and factual evidence;
- f) to assess the key elements of the election process in an impartial manner and reflect his or her observations from the polling stations on special check lists, prepared by CIS EC, and forward his or her observation evidence to the group coordinators or the Head of the CIS EOM.

8. A member of the CIS EOM is not allowed to take advantage of his or her official status while to conduct activities not related to the observation of the election (referendum) campaign. The host CIS Member State reserves the right to withdraw

accreditation from those international CIS observers, who violate the national legislation of the host country.

9. Funding and other support of the activities of a member of a CIS EOM is provided by the sending CIS Member State, or at his or her own expense.

10. Funding of organizational, technical, legal and informational support of the CIS EOM activities is provided by the CIS Executive Committee from the unified budget of the CIS bodies.

11. Members of the CIS EOM work under the protection of the host CIS Member State. Election administration, governmental, and local self-governmental authorities support him or her within the limits of their competences.

12. The Head of the CIS EOM organizes meetings with the media in the interest of an unprejudiced coverage of the election (referendum) observation, and with representatives of international organizations or their missions, which participate in the election (referendum) as observers.

13. The location(s) for the CIS EOM is determined in agreement with the authorities of the host country.

14. The observation by CIS EOM is carried out on a long-term basis, in line with the timeframe envisaged by the host country's election administration authorities.

CIS EOM activities are ensured by the CIS EOM core team³. The CIS EOM core team is composed of members of the CIS EC. The core team's responsibilities include: organization of accreditation for members of the CIS EOM, monitoring and analysis of the pre-election campaign in the media of the host Member State, preparation of the package of legal acts regulating the election (referendum) process (translation of documents, distribution to mission members), organization of meetings and deployment of mission members, support for activity of mission members in the regions, as well as other organizational and technical issues.

15. On the basis of the CIS EOM members' reports, the CIS EOM prepares its statement, which concerns compliance of the election (referendum) process with the host Member State's legislation and its international commitments.

The statement of the CIS EOM shall be short and shall reflect the most important facts related to the preparation and the conduct of the election (referendum).

The statement is announced on behalf of whole CIS EOM.

The text of the statement is signed by the Head of CIS EOM and the groups' coordinators. The text is then handed to governmental bodies of host CIS Member State and is made available to the public and the media.

16. The CIS Executive Committee informs the Council of Heads of CIS Member States about results of the CIS EOM activities.

³ In the original – "Headquarters"

17. The working language of the CIS EOM is Russian.

18. The present Regulations can be modified and supplemented upon proposals of any of the CIS Member States, which are to be finalized by a subsequent decision of the Council of Ministers of Foreign Affairs of the CIS.

JOINT STATEMENT
of the Council of the CIS Interparliamentary Assembly
and the Bureau of the OSCE Parliamentary Assembly

The Council of the CIS Interparliamentary Assembly and the Bureau of the OSCE Parliamentary Assembly (hereafter referred to as "the parties") held a joint meeting on 16 June 1998 in Saint-Petersburg. During the meeting, which was conducted in an atmosphere of cooperation and mutual understanding, the parties exchanged their opinions on issues of common interest, such as European security and topical questions regarding international and regional policy.

Summing up the results of the meeting, its participants,

– firmly convinced that the cooperation between the IPA of the CIS and the OSCE PA, based on the principles of respect for human rights and freedoms, rule of law, market economy and social justice, can positively influence the creation and maintenance of common security space in the European region and the development of a multipolar world where the interests of all states and peoples are taken into account;

– reaffirming their commitment to the principles embodied in the UN Charter and the basic documents of the OSCE;

– recognizing the important role played by the parliamentarians of the two parties in the implementation of peace initiatives in the area of European security, including the elaboration of the European Security Charter;

– striving for further deepening of relations between both organizations,
stated as follows:

1. The parties express their willingness to cooperate and to develop contacts with the aim of improving parliamentary democratic institutions, to carry out effective measures in the human dimension, such as the protection of human rights and the rights of national minorities, as well as in such areas as the resolution of ethnic and other conflicts, preventive diplomacy, and peacekeeping.

2. The parties express their readiness to constructively promote the elaboration of programmes on regional security issues, arms control and confidence-building measures, and environmental protection.

3. The parties emphasize the importance of a regular exchange of information, and of coordination of efforts towards the prevention and resolution of conflicts in different regions of Europe.

4. The parties concur in their desire to continue mutual participation in each others' meetings, to exchange the agenda of plenary meetings, to invite each others' representatives to observe these meetings, and to exchange documentation, analytical and information materials on a regular basis.

5. The parties agreed that in future, where necessary and convenient, joint meetings of the delegations of the Council of the CIS Interparliamentary Assembly and the Bureau of the OSCE PA may be held.

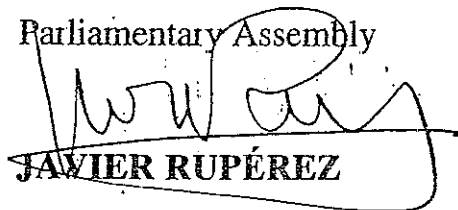
President of the CIS
Interparliamentary Assembly

E.STROEV



President of the OSCE
Parliamentary Assembly

JAVIER RUPÉREZ



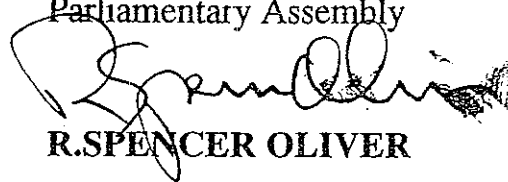
Secretary General of the Council of the
CIS Interparliamentary Assembly

M.KROTOV



Secretary General of the OSCE
Parliamentary Assembly

R.SPENCER OLIVER





Danish Chairmanship of the OSCE
Danish Ministry of Foreign Affairs

Copenhagen, 2nd September 1997

CO-OPERATION AGREEMENT

BETWEEN
THE OSCE PARLIAMENTARY ASSEMBLY
AND
THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND
HUMAN RIGHTS

As signed by:

The OSCE Chairman-in-Office H E Niels Helveg-Petersen
and
The President of the OSCE Parliamentary Assembly Javier Rupérez

CO-OPERATION AGREEMENT

**BETWEEN
THE OSCE PARLIAMENTARY ASSEMBLY
AND
THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND
HUMAN RIGHTS**

Since the establishment of the OSCE Parliamentary Assembly and the OSCE Office for Democratic Institutions and Human Rights following the Charter of Paris, both OSCE Institutions have engaged in various aspects of election assistance and observation. Experience has shown that it is both practical and desirable for these two OSCE Institutions to work more closely together on election projects. While the OSCE PA has engaged almost exclusively in the observation of parliamentary elections by short-term observers, the ODIHR has engaged in election assistance, long-term assistance, long-term observation and short-term observation of presidential, parliamentary and municipal elections, as well as referendums. In order to avoid overlap, redundancy, unnecessary expense and confusion it is agreed that the following procedures will be undertaken to enhance the capabilities and effectiveness of both of these OSCE Institutions in the future;

The Needs Assessment Mission

The ODIHR, in consultation with the OSCE PA, will initiate a preparatory Needs Assessment Mission prior to a long-term election observation. This will provide the ODIHR and the OSCE PA with a common reference point when embarking on an election observation project. The OSCE PA may send a representative on the Needs Assessment Mission if the OSCE PA wishes to do so and deems such participation to be appropriate. In any case, the ODIHR will inform the OSCE PA of the results of the Needs Assessment Mission

The needs assessment will take into account any previous reports by the ODIHR and the OSCE PA regarding the country concerned, including progress made on any recommendations. Such missions will also assess the extent, needs and context of the observation and should serve to establish an early dialogue with the national election authorities.

Exchange of Information

Regular field reports from the ODIHR On-site Co-ordinator and long-term observers will be sent to the OSCE PA. These reports will include information about the conduct of the political campaigns, the role of the media, and the main issues of the campaign, as well as information about the candidates and political parties participating in the election process. In addition to these reports, the On-site Co-ordinator will provide copies of election laws and all relevant information on the election administration to the OSCE PA for inclusion in the briefing materials that the OSCE PA will prepare for the short-term observers. The International Secretariat of the OSCE PA will prepare briefing books well in advance of the election for distribution to short-term observers. Such materials will be shared with the ODIHR On-site Co-ordinator

(each observation mission will have one person specifically charged with the co-ordination of briefing materials) for the benefit of all observers.

The OSCE/ODIHR will inform the OSCE PA of the names and schedules of the short-term observers as well as the participating states willing to send such observers. The OSCE PA will provide the same information to the OSCE/ODIHR and to the On-site Co-ordinator. This information will be shared in advance as soon as information on short-term observers is received by both the ODIHR and the OSCE PA.

Observer Briefing

Recognizing that it is often difficult for parliamentarians to arrive in time for the OSCE/ODIHR general observer briefing, ODIHR will assist the OSCE in providing a separate subsequent briefing for parliamentarians whenever necessary. The OSCE/ODIHR On-site Co-ordinator, as well as when possible some long-term observers, will participate in the briefing. It is understood, however, that this briefing should not be a substitute for the provision of the continuous flow of information from the On-site Co-ordinator and the long-term observers to the OSCE PA for inclusion in the briefing books.

Logistical Support

Since the OSCE/ODIHR On-site Co-ordinator and long-term observers are in the field well in advance of the OSCE PA short-term observers, the OSCE/ODIHR will be in a position to assist the parliamentary observer delegation with critical logistical support, including identifying hotels or other accommodation and the engagement of cars, drivers and interpreters. This information will be provided to the OSCE PA in a timely manner in order that participating parliaments may be informed of the conditions and costs of sending short-term observers. In addition, the OSCE/ODIHR On-site Co-ordinator will provide a security assessment to the OSCE PA and make arrangements for the provision of such security as may be necessary for short-term observers participating in the election monitoring project.

The ODIHR also recognizes the fact that the OSCE PA, being a parliamentary body with short-term observers, cooperates closely during its election monitoring with the local Parliament's staff as regards the preparation of a pre-election programme and logistics. The exchange of information between the ODIHR and the OSCE PA on programme co-ordination and existing logistical arrangements will be mutually beneficial. The OSCE/ODIHR may make suggestions for the programme of the OSCE PA observers but will not interfere with or attempt to change or alter the OSCE PA programme without prior approval of the OSCE PA International Secretariat.

Deployment

With the objective to establish an integrated deployment plan, the ODIHR will inform the OSCE PA in advance about its deployment suggestions and recommendations. The OSCE/ODIHR On-site Co-ordinator will provide the OSCE PA with a detailed deployment plan well in advance of the arrival of short-term observers. In order that the OSCE PA may determine the manner in which their observers will be deployed it is desirable that short-term observer groups co-ordinate their observation activities in an overall deployment plan, in order to avoid duplication and to maximize overall efficiency. Organizations which send larger numbers of observers to participate in an overall effort may need to have their members

distributed across a deployment plan, in order to meet the specific interests or needs of their organization as a whole.

OSCE Special Co-ordinator

The OSCE Chairman-in-Office may designate a political figure as a Special Co-ordinator to lead the short-term OSCE observer mission. This political figure should normally be the President of the OSCE PA or an OSCE PA senior official recommended by the OSCE PA in consultation with the Chairman-in-Office. This Special Co-ordinator will work closely with the OSCE/ODIHR On-site Co-ordinator and will deliver the preliminary post-election statement in conjunction with other appropriate officials. In the event that other international parliamentary bodies are strongly represented in the short-term observer mission, the Special Co-ordinator may designate a Co-Chair or Co-Chairs of the observation mission, as appropriate.

Briefing and De-briefing

Whenever possible, common briefings and de-briefings for all observers should be organized jointly by the OSCE PA staff and the On-site Co-ordinator. It is understood, however, that the OSCE PA will have its own internal de-briefing prior to the common de-briefing for all observers. Such separate preliminary de-briefings may also be convened by other international parliamentary bodies or special groups of observers. The OSCE/ODIHR On-site Co-ordinator and other OSCE/ODIHR officials will normally be expected to attend and participate in such preliminary de-briefings. The Special Co-ordinator or other OSCE PA senior official will be expected to remain until the full de-briefing has taken place (within 24-48 hours).

The Preliminary Post-Election Statement

The preliminary post-election statement will normally be made on the afternoon following the election. This represents a compromise between the time constraints on parliamentarians requiring an early departure, and the technical needs of the ODIHR which often require 24-48 hours after election day for a full de-briefing and the comprehensive assessment of statistical data and vote count process. In the event that the Special Co-ordinator is not the President of the OSCE PA or a senior official, the OSCE PA will reserve the right to issue its own independent statement based on the observations of the delegation from the OSCE Parliamentary Assembly.

Final Report

The ODIHR and the OSCE PA will submit to each other preliminary drafts of their final reports for comment. While the ODIHR and OSCE PA reports may emphasize certain aspects of the election process in more or less detail, they should try to avoid direct contradictions without at the same time compromising integrity of their independent observations and conclusions. It would be helpful if the reports could contain agreed upon recommendations from both the ODIHR and the OSCE PA.