



SHDM „Democratic Elections and Election Observation“

12 – 13 July 2012

Session 1: Democratic elections in the context of OSCE election-related commitments and their implementation

- Participating States tend to use **different terminologies** when speaking about elections and electoral observations, which adds to the already complicated political nature of the discourse. Many misperceptions go along with the term “standards” for democratic elections, the term “principles” for election observation and the term “methodology” applied in election observation by international and regional organizations.
- “Standards for democratic elections” have been defined by the participating States in **Copenhagen 1990, Istanbul 1999 and Brussels 2006**. These standards include e.g. the commitment to hold free elections at reasonable intervals, to guarantee universal and equal suffrage to adult citizens and to respect the right of citizens to seek political or public office without discrimination.
- “Principles for ODIHR’s election observation” are contained in Ministerial Council **Decision 19/06 (Brussels)** and consist of “**independence, impartiality and professionalism**”. Furthermore, in 2005 ODIHR endorsed (as one out of many international and regional organizations and inter-state agencies) the *Declaration of Principles for International Election Observers* and the *Code of Conduct for International Election Observers*, which stress professionalism and transparency in the field of election observation.
- The “methodology for election observation” is outlined in the **Election Observation Handbook**. The handbook is based on the OSCE commitments cited earlier. It was developed following the decision taken at the Ministerial Council in 1994. The handbook serves as a **manual** for the conduct of ODIHR election observation missions, including also the *Code of Conduct for OSCE/ODIHR Observers*. It has been periodically updated to reflect the evolving commitments and experiences made, and it is now in its 6th edition.
- We are confident that a discerning use of these terms will help frame the debate in a more constructive way.

Session II: Election observation and the electoral cycle: before, during and after election day

- Generally speaking, positions of participating States on electoral observations have not changed much in the past years: Some participating States advocate a **binding framework** which would include a detailed methodology for election observation. In doing so, they intend to relieve a perceived unequal treatment between participating States east and west of Vienna. Others are in favor of introducing a **structured follow-up process** to ODIHR recommendations and assessments after election observations. (There are many additional nuances, ideas and opinions, but basically the debate has been structured by these two poles.)
- Perceptions and positions on both sides have become so entrenched that counter-arguments are often a knee-jerk reaction. This will not lead us anywhere. If anything it will intensify already existing frictions. We therefore propose to **focus on finding paths with a potential to lead to consensual outcomes**.

Let me share some thoughts with you in this regard:

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

based on its experience. Eventually, such a best practice collection of ODIHR could be compared with those of other international or regional organizations.

Session III: Follow-up to OSCE/ODIHR mission report recommendations and engagement with participating States

- As mentioned previously, positions of participating States on electoral observations have not changed much in the past years: In the second working session, we have heard some participating States advocating for a **binding framework** which would include a detailed methodology for election observation. In the current session we have heard many advocating in favor of introducing a **structured follow-up process** to ODIHR recommendations and assessments after election observations.
- In picking up the thought we have illustrated in the previous working session, we would like to point out a less controversial approach to effective **post election follow-up** on ODIHR recommendations. Such an approach would for example encompass the invitation to participating States to engage in a **structured follow-up** process on a **voluntary basis**.
- As part of this process, the respective reporting practice in the Human Dimension Committee could be strengthened. Upon invitation, ODIHR could also be tasked with follow-up visits a certain time period after the publication of the final report to discuss the recommendations with major (national) stakeholders.
- Elections and electoral observation are politically very sensitive issues. Nonetheless we are confident that if there is political will and the readiness to take each other's concerns seriously, we can identify some concrete paths that will potentially lead to consensual outcomes.