

Sixth Annual Follow-up Meeting on the Declaration of Principles for International Election Observation

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Brussels 4 - 6 October 2011
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Summary of Proceedings

Introduction

On 4 - 6 October 2011, the European Parliament, the European External Action Service (EEAS) and the European Commission jointly hosted the *Sixth Annual Follow-up Meeting on the Declaration of Principles for International Election Observation*, with the assistance of the NEEDS Project. Representatives of organisations that have endorsed the Declaration of Principles, as well as organisations whose work is directly or indirectly linked to international election observation, were present. Over the course of the three-day meeting, participants took part in eight sessions that covered a range of significant topics for international election observation missions.

The following sections provide a summary of the key points raised during the main sessions, which focused on:

- Election observation in the broader framework;
- The Global Commission on Elections, Democracy, and Security;
- Review of the Guiding Principles documents from the 2010 meeting (Follow-up and Electronic Voting) as well as on the updates to the ACE Observation Portal;
- The way forward for stronger inter-mission cooperation on observation and assistance;
- The role of parliamentarians in observing elections;
- The benefits of cooperation between international and domestic observers, focusing on case-studies from Nigeria and the Ivory Coast;
- The role of observers in a results management crisis, focusing on the case-study of Haiti;
- A final plenary session presented the concluding remarks from the European Parliament, the European Commission and the European External Action Service.

At the close of the meeting, the National Democratic Institute for International Affairs (NDI) reconfirmed that it will host the 2012 Annual Follow-up Meeting on the Declaration of Principles in Washington. IIDH/CAPEL's previous expression of interest to host the 2013 meeting was noted, while organisations were prompted to propose themselves to host the following meeting.

Executive Summary (Conclusions and Action Points)

Three main topics of discussion emerged throughout the various sessions of the meeting:

1. The need to **follow-up on observation recommendations balancing technical and political interventions** in the partner countries. Since the endorsement of the Declaration, much has been accomplished in terms of dialogue on follow up, and several endorsing organisations have placed

this as a central priority of their work. In practice, however, the implementation of the observers' recommendation has lagged behind. There is a clear need to enhance follow up visits to present and discuss findings with the partner countries' institutions and civil society as well as to do more post-mid-term assessments to assess and help partner states fulfil their international and regional commitments; many voices spoke in favour of having smaller observation missions but more continued presence in the partner countries throughout the electoral cycle to adjust the observation practice to the widely recognised concept of elections being a process and not an event. The need to enhance inter-institutional cooperation in the follow-up process is also a necessity given that no organisation can claim a continued high level of resources in every country of engagement.

Action Points: Identify two-three countries to document how the various observation missions and electoral assistance providers work together on recommendations follow-up.

2. A better integration of **parliamentary representatives** within international election observation missions is highly desirable. Despite the possible negatives represented by rogue parliamentarians, the advantages of parliamentary presence outweigh the negatives for observation, both in terms of media attention and political understanding of the larger democracy picture elections are just a part of. The inclusion of active or former Parliamentarians is standard practice among a number of observers' organisations, although it does not apply to many others, including the OAS. The more often parliamentarians are included in international observation missions, the higher their level of understanding and respect of the "international observation mission's rules of engagement". Parliamentarians, despite their natural knowledge of the electoral process, need in fact training in observation methodology as well as other categories of "election professionals" such as election administrators that are nowadays employed in observation activities. Former parliamentarians are also an important pool of talent and political understanding to draw from for international observation mission, but they should not replace elected parliamentarians. Particularly in the post-electoral period, when there is often a window of opportunity with newly elected legislatures, parliamentarians could have a greater role to play after the elections with their elected peers in ensuring a more impactful follow-up process. This may make particular sense in the EU system, given its unique potential in following up its own observers' recommendation in the political dialogue with its partner countries.

Action Points: What role could parliamentarians play in future follow up?

3. The need for further **cooperation, between international and domestic observers**. This is an area where very often lip service is paid by international observation missions. Time constraints in the modus operandi of international observation mission often prevents higher interaction with domestic observation, but a lot of prejudice still exists in many instances. The Declaration of Global Principles for Nonpartisan Election and Monitoring by Citizen Organisation should now help defuse the remaining prejudice. If the international observation community wants to take seriously the concept of observing the process and not the event, there is no alternative than to enhance international-domestic observation cooperation. The role of several domestic observation groups across the globe as promoters of democracy and active citizenship' rights beyond the pure election period should be the model to aspire to and promote, rather than those cases where domestic observation is still hijacked by political interests of specific political factions. In the follow-up activities, international observation should not have the arrogance to demand

that its recommendations are taken on board by the national authorities without a previous dialogue and understanding with domestic groups.

Action Points:

- Officially endorse the Declaration of Global Principles for Nonpartisan Election and Monitoring by Citizen Organisations
- Ensure an enhanced dialogue and cooperation in 2-3 cases studies and present on the advantages and disadvantages of synchronisation with domestic observation groups at next year's meeting.
- Promote domestic and regional observation as concrete exit strategy for international election observation, taking a contextual approach.

Keynote Remarks from the High-Level Panel on "Supporting elections: the political agenda"

- *President Jerzy Buzek*, President of the European Parliament
- *Baroness Catherine Ashton*, High Representative of the European Union for Foreign Affairs and Security Policy
- *President Jimmy Carter*, The Carter Center
- *Rt. Hon. Joe Clark*, National Democratic Institute for International Affairs (NDI)
- *Ambassador Zachary Muburi-Muita*, UN Special Representative of the Secretary-General to the African Union
- *Ambassador Janez Lenarčič*, Director of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

President Jerzy Buzek, EU Parliament President, in his introductory remarks emphasised the common commitments of the signatories regarding their election observation methodologies and the need for cooperation based on these same values. He stressed the importance of creating strong institutions in partner states and that elections were but the beginning of a longer process of democratisation.

Baroness Catherine Ashton, EU High Representative, recalled that the EU was founded on the core values of democracy and human rights, including the right to stand for elections, and the freedoms of speech and assembly. She stressed the importance of the first democratic elections in Tunisia, noting the important role of domestic observers, and outlining the EU's engagement in the region. Baroness Ashton further expressed her appreciation for the work of EU observers in the field, highlighting their institutional independence. In her conclusion, Baroness Ashton reiterated that elections are an essential step in the broader effort to promote "deep democracy," human rights, peace and stability.

President Jimmy Carter expressed his utmost respect for those who fight for their own freedom and human rights. He stated that the work of observers is still regularly underestimated in the international political arena, noting the difficulties that election observers can face and the challenges of witnessing a process without interfering. While considering the level of cooperation among signatories of the Declaration of Principles as a positive example for other political forums, he indicated that any lack of harmony could be harmful, and called for further standardisation and cooperation. In his concluding comments, President Carter called for greater promotion of the work of domestic observers and the need for election results to be respected and accepted, as well as the need to define "minimum standards" prior to deploying missions.

Rt. Hon. Joe Clark, of **NDI**, valued the leadership that Europe has taken in questions of good governance. He celebrated the accomplishments of the “Arab Spring”, but noted the challenge for democracy to maintain peace and stability in the region. In this context, he reiterated the importance of citizen involvement in electoral processes, such as through domestic observation, to reinforce national ownership of the process. Recognising the positive impact of pre-election missions, he put forth the suggestion that post-election follow-up missions could help assess the implementation of recommendations and thereby prevent the potential disillusionment. He concluded that, without a truly long-term focus, the positive results of election observation efforts could be significantly diluted.

Ambassador Zachary Muburi-Muita, **UN Special Representative of the Secretary-General to the African Union**, emphasised the importance of independent and truthful evaluations of electoral processes in the promotion of democracy and human rights. He also called for a strengthening of observation methodologies in terms of the participation of women, national minorities and persons with disabilities. He further highlighted the need for sustainable and cost-effective technical assistance to embrace the recommendations of international election observation missions. He highlighted the role of domestic observers, as well as that of independent judiciaries, and the importance of investing in institutional capacity building with a long-term focus.

Ambassador Janez Lenarčič, of the **OSCE/ODIHR**, reflected on the challenges of the “Arab Spring” for the signatories of the Declaration of Principles in a context of global economic crisis. He emphasised the overriding importance of providing credible assessments in order to gain the trust that is essential in order to contribute to democratic development. While praising the signatories’ sound, comprehensive and systematic methodologies, he cautioned that not all organisations have endorsed the Declaration. Recognising the importance of recommendations, he identified political will as the main resistance to be overcome.

The ensuing discussion echoed the main issues presented by the High-Level Panel. The need to provide host states with a better brief on the role and mandate of international election observers to avoid possible misinterpretations was also raised. Similarly, the possibility of channelling follow-up through EC Delegations in partner states (in the EU context) and the usefulness of adequately trained, non-partisan parliamentarians and former parliamentarians, in international election observation missions, were discussed.

The High-Level Panel agreed upon a common text that was presented in a joint press statement.

Welcome/Introductory Remarks from the EU Election Observation Services

- *Pierre Vimont*, Secretary General, European External Action Service (EEAS)
- *Gabriele Albertini*, Co-Chair, Election Coordination Group (ECG), European Parliament (EP)

In their introductory remarks, the EU Election Observation Services highlighted the role of the European Parliament in the development of EU Election Observation Missions (EU EOMs), which have become key elements of EU foreign policy. Honest assessments of electoral processes, together with clear and concise recommendations were considered the best services that international election observers can provide to a host country. Within this framework, they pointed out substantial benefits from the participation of Members of the European Parliament (MEPs) in EU EOMs.

Session I: Election Observation in the Broader Framework

Facilitator: *Malgorzata Wasilewska*, Head of Division, Democracy & Elections, EEAS

Panellists:

- *Christiana Thorpe*, Chairperson, National Electoral Commission (NEC), Sierra Leone
- *Carlos Valenzuela*, Chief Technical Advisor in Egypt, United Nations Electoral Assistance Division (UNEAD)
- *Percy Medina*, Secretary General, Transparencia Peru
- *Alexander Lambsdorff*, Member of the European Parliament (MEP)

Following from the critical perspectives provided by academics during the 2010 meeting convened by The Carter Center in Atlanta, the European institutions invited practitioners from the broader electoral arena to enrich the debate.

Christiana Thorpe, of the **NEC of Sierra Leone**, indicated that international election observation should be aware of the different categories of Electoral Management Bodies (EMBs). Their impartial/non-partisan or dependent status could determine how international missions and their findings are received. She recognised the positive role of international election observation missions in post-conflict contexts and the need for long-term presences of observers, particularly for the voter registration exercise. Ms. Thorpe considered that parliamentarians could have a larger role to play than that of short-term observers and that the period between election dates should be better used to link observation and technical assistance, particularly in support of domestic observers, while welcoming the idea of post-election assessment missions.

Carlos Valenzuela, of the **UNEAD**, recognised that international observers have the advantage of comparative analysis. While recognising the professionalisation of this practice, he noted that the impact of international election observation may be overrated, adding that the political capital of international election observation missions can be wasted, by the prevalence, among others, of “electoral tourism.” He further criticised a still common belief among many observers that their function is to detect fraud rather than assess the process. He also called upon observers to contextualise their findings, conclusions and recommendations, which are often unrealistic, or inappropriate to national contexts. Mr. Valenzuela also warned that the overwhelming resources of large observation missions (and technical assistance missions) could generate animosity from EMBs and local populations. Additionally, large missions tend to become self-centred and might inadvertently interfere in the process, by “crowding out” other stakeholders given the limited pool of available human and material resources. He concluded that a greater sense of ownership from the national stakeholders should be promoted.

Percy Medina, of **Transparencia Peru**, suggested that considering democracy as a common right of all peoples and not a political system alters the perceptions of non-interference, as well as those of domestic and international observation. He added that elections should be observed as a long-term process, emphasising the advantages of domestic observation and the analysis of minority and gender participation. Despite the extremely heterogeneous qualities of domestic observer groups, he stressed that international election observation missions should heighten their cooperation with these groups, whose role as promoters of democracy and active citizenship cannot be overstated. Lastly, Medina recognised the need to adapt to new technological challenges and encouraged a critical reflection of new voting technologies. He stressed that recommendations must be sustainable and that there is some scope for domestic observer groups to participate in follow-up.

Alexander Lambsdorff, Member of the European Parliament (MEP) and Chief Observer on a number of EU EOMs, defined international election observation as an expression of a value-based foreign policy, giving practical meaning to the promotion of democracy, while providing visibility for the EU at the same time. Acknowledging that parliamentarians often lack the necessary technical background, he stressed that their credibility as serving politicians in multi-party democracies is a benefit when meeting high-level political interlocutors. However, parliamentarians must exercise restraint when in the host country and avoid compromising statements where a full professional mission is present. After stressing the importance of understanding the particular political contexts in which international election observation missions operate, Mr. Lambsdorff reflected on the significance of deciding which elections to observe. While he acknowledges that the EOMs do not take place in a political vacuum, the EU needs to deploy its EOMs in a very selective and coherent manner, remaining faithful to its own principles and goals.

The discussion that followed these presentations raised the issue of host states that have persistently failed to resolve particular deficiencies despite several international election observation missions and recommendations. Similarly, the complexities regarding the translation of the term “observation” in Arabic in the context of the forthcoming Egyptian and Tunisian elections was raised. Finally, the usefulness of recognisable and understandable mid-term assessment missions, possibly through longer-term invitations for international election observation missions, to evaluate any progress in the fulfilment of a country’s commitments was also expressed.

Session II: Presentation of the Global Commission on Elections, Democracy and Security

Facilitator: *Michael Svetlik*, Vice President of Programs, International Foundation for Electoral Systems (IFES)

Panellists:

- *Andrew Bradley*, Director, International Institute for Democracy and Electoral Assistance (International IDEA)
- *Stephen Stedman*, Director of the Global Commission on Elections, Democracy and Security (GCEDS)

Andrew Bradley, of **International IDEA**, presented the new Commission, chaired by former UN Secretary-General Kofi Annan and co-chaired by the former President of Mexico, Dr Ernesto Zedillo Ponce de León. The Commission’s Secretariat is hosted by International IDEA, in Stockholm. The Global Commission aims to provide a compelling and comprehensive approach for national and international efforts to successfully safeguard the integrity of electoral processes in supporting sustainable democracy by re-situating electoral processes within security, democratisation and development contexts.

Stephen Stedman, Director of the **GCEDS**, elaborated on the objectives of the Global Commission emphasising that the integrity of elections are essential to fulfil democracy’s potential in fostering development, peace and security. Inaugurated in South Africa in March 2011 and holding quarterly meetings, the Commission intends to prepare contextual reports on specific challenges. The Commission expects to conclude its work and present its recommendations, which will be directed to national governments, regional and international organizations, and civil society to enhance their effective collaboration, by September 2012.

The questions that followed the presentation focused on the importance of increasing local and regional capacities, by involving regional and sub-regional organisations.

Session III: Review of Guiding Principles Documents from 2010 and Update on the ACE Observation Portal

Facilitator: *Domenico Tuccinardi*, Director of the NEEDS Project

Panellists:

- *David Carroll*, Director of Democracy Program, The Carter Center (TCC)
- *Pat Merloe*, Senior Associate and Director of Electoral Programs, National Democratic Institute for International Affairs (NDI)
- *Peter Wolf*, Technical Manager, ACE Secretariat

David Carroll, of **TCC**, gave an overview of the outcomes of the 2010 Meeting and of the guidelines that had been produced for that event. Those important documents focused on follow-up, electronic voting and the “Declaration of Global Principles for Non-Partisan Citizen Election Observation and Monitoring.” TCC has placed those documents at the heart of its observation methodology and looks with interest at the developments in other organisations.

Pat Merloe, from **NDI**, expressed his belief that elections belong to the people. He noted with satisfaction that the Declaration of Principles has been endorsed by 38 organisations and that both the UN Secretary-General and the UN General Assembly have publicly recognised its significance. He added, that much has been achieved, but that far more remains to be done, namely to improve the level of communication between signatory organisations outside missions, to which end he suggested regular conference calls. In particular, he emphasized how the dialogue that surrounds recommendations follow up has greatly enhanced, but that its practical implementation remains rather weak. The key to strengthen the implementation is definitively inter-institutional co-operation as all organisations face unavoidably limited resources in the post-electoral period.

The proposed “Declaration of Global Principles for Non-Partisan Citizen Election Observation and Monitoring” (which should be endorsed by the UN in 2012) will, as he expressed, not only have an important symbolic value but also help to synchronise the work of domestic election observers. Several signatories of the Declaration of Principles have expressed their support to this process. Mr. Merloe considered that given the synergies between both forms of observation, there might possibly be a future joint steering committee for both declarations.

Peter Wolf, of the **ACE Secretariat**, presented the updates to the ACE Election Observation Portal, highlighting the new functionalities. Over 1,300 reports by 20 organisations, covering 154 countries from 1990 to 2011, are now available. However, he also pointed out that a number of (“older”) mission reports were still not included in the Portal as they had not been located or sent by the relevant organisations. Similarly, he added, the notion of coordinating joint mission calendars, mentioned in the 2010 Meeting, had not been effectively implemented.

The broader scope of new technologies in elections, beyond electronic voting, was brought up in the discussion that followed the panellists’ presentations. The need for international election observation missions to analyse and assess the use of these technologies (including new social media outlets) was raised, and a proposal was made for this debate to integrate a panel in the 2012 Meeting. The importance of data-protection legislation was considered to vary from context to context, as was the need to motivate the youth to vote and to avoid any “democracy gaps.”

Session IV: Establishing Strong Foundations: the Way Forward for Inter-Mission Cooperation on Observation and Assistance

Facilitator: *Kristian Schmidt*, Director, Human and Society Development, DG Development and Cooperation, European Commission

Panellists:

- *Denis Kadima*, Executive Director, Electoral Institute for Sustainable Democracy in Africa (EISA) and Former Director of UNIRED
- *Bill Sweeney*, President of the International Foundation for Electoral Systems (IFES)
- *David Carroll*, Director of the Democracy Program, The Carter Center (TCC)
- *Michael Meyer-Resende*, Co-Director, Democracy Reporting International (DRI)

Denis Kadima, of **EISA**, considered that inter-mission cooperation has improved since 2005, but also referred to several shortcomings. The regional observer networks EISA and ANFREL are now working together, and the electoral process in Liberia saw an integrated TCC-EISA mission with separate statements and final reports, but synchronised press statements. Three organisations provided technical assistance for the South Sudan referendum (UN, IFES, EU) and despite some competition there was a significant degree of coordination under the UN's lead; a situation that was more complicated in Tunisia due to the lack of a UN Security Council mandate. Whilst in such contexts, international election observation missions have to be particularly careful in attributing responsibilities and judging the credibility of the process, the demands of these missions on EMBs and technical assistance missions were often considered to be excessive.

David Carroll, of **TCC**, confirmed the positive levels of cooperation between international election observation missions and providers of technical assistance. Inter-mission cooperation has continuously improved during international election observation missions, but is slightly less positive before and after missions, he noted. He recommended intensifying the use of the ACE Portal, going beyond annual meetings towards regular "virtual" meetings, and specialised workshops in between. He concluded by reiterating the need to continue advancing in the field of recommendations and follow-ups.

Michael Meyer-Resende, of **DRI**, endorsed the idea of "mid-term assessments" to follow-up on recommendations from international election observation missions and proposed a panel on this issue for the 2012 meeting. While considering the possibility of coordinated mid-term assessments, he noted the difficulty in reaching common strategies on follow-ups given the different levels of engagement of the various organisations throughout the electoral cycle. Despite the developments in technical assistance, Mr. Meyer-Resende highlighted that the core problem remains that of political will, for which advocacy is still necessary. He presented the results of DRI's work in Pakistan, combining electoral technical assistance with a focus on advocacy, as mixed.

Referring to the "Arab Spring" he stressed that many of the challenges in the region are first-time challenges and that there could be more coordination in terms of technical assistance to avoid dispersing efforts and resources on issues that he did not consider as priorities (such as out-of-country voting or electronic voting). He called upon the signatory organisations to improve their outreach, to explain their roles in a simpler and more engaging manner. He also suggested the need to invest more consistently in parliament building and constitutional frameworks.

Paul Sweeny, of **IFES**, appreciated the growing level of professionalism in the electoral field. He emphasised the importance of mission management and the level of trust among the leadership of the different organisations but also called upon them to put their organisational goals on the table. In a context of competition among organisations, donor-relations are particularly significant. He expressed his concern

regarding the application of global standards, without sufficient consideration for the specific contexts of each particular election. In his concluding remarks, he agreed that the framework of analytical standards is adequate in terms of assessment, but a potential source of problems for recommendations.

The presentations led to a series of interventions on the particularities of the “Arab Spring” context; specifically, the need to coordinate technical assistance and to acknowledge the sensitivities concerning national sovereignty and non-interference. EU EOMs were commended for their leading and constructive role in sharing information with other observer groups in the field. Moreover, the notion of “global standards” was refuted in favour of compliance with regional and international commitments subscribed by states, which provide a recognised, consistent and transparent framework for assessments. The “Arab Spring” was analysed as an example of this universal desire for democracy and the integrity of elections. Finally, the discussion also revolved around the question of whether the actions taken to support democracy are demand-, or supply-driven, and the comparative weight of investments in the different elements of democracy, especially in long-standing recipients of technical assistance and international election observation missions. Whilst it was noted that greater resources are focused on areas other than observation, the need for technical assistance to go beyond EMB support (notably towards civil society organisations, political parties and violence prevention) was stressed. An important point was made regarding some of the fundamental differences within the signatory organisations, which can blur any comparisons.

Session V: The Role of Parliamentarians in Observing Elections

Facilitator: *Veronique Arnault*, Director of Human Rights and Democracy, EEAS

Panellists:

- *Joe Clark*, Former Prime Minister of Canada and leader of several international election observation missions
- *Laroussi Hammi*, Vice President, Pan-African Parliament
- *Beata Martin-Rozumilowicz*, Head of Election Department, OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)
- *Ana Gomes*, MEP, Chief Observer of the EU EOM to Ethiopia 2005
- *Martin Chungong*, Inter-Parliamentary Union (IPU)
- *Pat Cox*, Former MEP and President of the European Parliament (EP), Director of the International Election Monitors Institute (IEMI), President of the EP Former Member Association (FMA); replaced Ms. Luisa Morgantini, Former Co-Chair of the EP ECG and Member of the EP FM, who was unable to attend

Rt. Hon. Joe Clark, of **NDI**, started his presentation by considering the differences between former and serving political representatives. He also reflected on the advantages of MEPs, who are freer from constituency obligations than other parliamentarians. He added that election observation missions are an adjunct to parliamentarians’ main role, and that mixing parliamentarians from different countries can be extremely positive. Nonetheless, and recalling the presence of “rogue parliamentarians” in many electoral processes, he identified risks in the selection of active parliamentarians for international election observation missions, particularly if they are excessively concerned with media coverage or have large diasporic constituencies. In this sense, and considering the common need for training in observation methodology, the respect for mission discipline and codes of conduct, former parliamentarians could prove to be a less risky pool of talent and political understanding to draw from. He concluded by pointing out that parliamentarians could have a greater role to play after the elections with their elected peers.

Hon. Laroussi Hammi, of the **Pan-African Parliament**, introduced the institutional background and goals of the African Union's parliamentary assembly, as well as its experience in deploying election observation missions. In his concluding remarks, he indicated that former parliamentarians are included in its observation missions. The Pan-African Parliament announced its endorsement of the Declaration of Principles for International Election Observation.

Beata Martin-Rozumilowicz, of the **OSCE/ODIHR**, presented a brief overview of the OSCE's broad mandate and extensive experience in international election observation. She indicated that the OSCE's Parliamentary Assembly is fully integrated into its observation missions from the needs assessment stage. Former parliamentarians have also been incorporated into its missions as well as parliamentarians from other regional organisations. While the incorporation of parliamentarians has generally been positive in terms of their political weight, peer-to-peer understanding and greater visibility (particularly when presenting recommendations), some weaknesses were also addressed. Namely, the tendency for parliamentarians to focus on their own findings, comparing the process to that of their own countries, and the risk for superficial (often capital-based, and excessively short-term) observations that can skew their findings; the partisan nature of some assessments and attitudes as well as existing party alliances can also be problematic.

Pat Cox, of the **IEMI** and **EP FMA**, identified the extraordinary advances brought about since the signing of the Declaration of Principles. He indicated that former parliamentarians are an extremely experienced pool of talent with the added benefit of free time, unlike their serving colleagues. Mr. Cox reiterated that former MEPs would be available to replace MEPs who, although selected by the EU Parliament, might not be able to integrate MEP Delegations to EU EOMs.

Martin Chungong, of the **IPU**, reflected on the political and moral weight that parliamentarians can give to international election observation missions, especially at the results stage. He further expressed his belief that parliamentarians had a particularly useful role to play once the newly elected legislative assemblies were in place.

Ana Gomes, **Member of the European Parliament (MEP)** and Chief Observer to the Ethiopia 2005 EU EOM, underlined the importance of avoiding misperceptions when selecting MEP Delegations to former colonies, thereby excluding parliamentarians from the former colonial power. She indicated her support to the participation of former parliamentarians in international election observation missions and to the deployment of joint missions with other regional parliamentary assemblies.

In the ensuing discussion, the question was raised of whether – in the circumstances that parliamentarians play a role in an observation mission – they should participate in observation missions as individuals or as elected representatives. The importance of maintaining mission discipline and of presenting clear messages with a single voice was stressed. The need was voiced, for strict selection criteria in the appointment of EU EOM Heads of Mission (who are almost always MEPs) to avoid any damage to mission credibility.

Session VI: International and Domestic Observers: the Benefits of Cooperation (the Cases of Nigeria and the Ivory Coast)

The cases of Nigeria and the Ivory Coast were used as starting points for discussions on the benefits of cooperation between international and domestic observers.

Nigeria

Facilitator: *Oliver Nette*, Public Diplomacy and Election Observation, Service for Foreign Policy Instruments, European Commission

Panellists:

- *Pat Merloe*, Senior Associate and Director of Electoral Programs, NDI
- *Emile Ognimba*, Director of the Department of Political Affairs, African Union (AU)
- *Mark Stevens*, Head of Democracy Section, Commonwealth
- *Mashood Erubami*, Co-Chair of Nigeria 2011 Project Swift Count, Executive Director of Nigeria's Transition Monitoring Group and Chairman of the West Africa Election Observers Network

Pat Merloe, of **NDI**, gave a brief summary of Nigerian elections since the transition from military to civilian rule in 1999, leading up to the concerns surrounding the 2011 elections. In this context, the support and legitimacy provided by international actors to local Civil Society Organisations (CSOs) proved to be particularly positive, culminating in the replacement of the Election Commissioner. Four of the main Nigerian CSOs determined to work together in Project Swift Count, which played a significant role in enhancing the integrity of the electoral process and limited post-election violence to some extent. He concluded by stating that Nigeria should continue to receive electoral assistance to support the ongoing process.

Amb. Emile Ognimba, of the **African Union (AU)**, reaffirmed the importance for those organisations that have the means to deploy earlier to share information with those that do not have this possibility, as was the case for the AU in Nigeria. He considered that the number of deployed observers is not the issue, but rather how to rationalise observation efforts and interact with other observer organisations. Regarding the drafting of recommendations, he pointed out that observers must arrive with an open and unprejudiced mind. He further commented that greater efforts should be made to cooperate in the follow-up of recommendations.

Mark Stevens, of the **Commonwealth**, noted that cooperation between international election observation missions and domestic observers is predicated on the belief that once there is confidence in national institutions, domestic observation should eventually replace international election observation missions, whose qualitative work is complemented by domestic groups' quantitative efforts. He underlined that to some extent, both share a common analytical framework, a methodology and a long-term approach. Furthermore, domestic observers can have the national outreach, the truly long-term presence throughout the electoral cycle, and the numbers of observers that international election observation missions cannot; while international election observation missions can provide domestic observers with greater resonance and influence. He identified the recurrent misperception that CSO groups are pro-opposition because of incumbent longevity (at least in the Commonwealth area). In terms of actual cooperation, he cited regular meetings, invitations to brief observers, exchanges of information, the recruitment of future observers, and the inclusion of domestic observer findings within the reports of international election observation missions. Mr. Stevens suggested that follow-up could be considered through CSO groups.

The discussions that followed brought up the importance for CSO groups to access the entirety of an electoral process in order to determine its integrity. The need for CSO groups to better explain and justify their work and results was also raised. Furthermore, international election observation missions were seen as having a distinct advantage over domestic observers given their possibility to engage in processes without fear of intimidation. The suggestion of joint international election observation and CSO missions was considered as counter-productive.

Ivory Coast

Facilitator: *Craig Jenness*, Director of the UN Electoral Assistance Division (UNEAD)

Panellists:

- *Odette Kouao Gabson*, Electoral law and DDR specialist, ECOWAS Legal Department
- *David Pottie*, Associate Director, The Carter Center
- *Vincent Tohbi*, Programmes Director, Electoral Institute for Sustainable Democracy in Africa (EISA)
- *Malgorzata Wasilewska*, Head of Division, Democracy & Elections, EEAS

Odette Kouao Gabson, of **ECOWAS**, briefly introduced the events surrounding the post-electoral crisis in the Ivory Coast and the unique role played by ECOWAS first in mediating about the former warring parties to accept the electoral rules and then in confirming that electoral results were in conformity as to what declared by the CENI, creating a conducive atmosphere for the general condemnation of the Constitutional Council' verdict that changed them. She concluded her presentation by stressing the need to reinforce the training and capacities of domestic observation groups and the importance of DDR in the Ivorian context.

David Pottie, of **TCC**, continued with the exposition of the crisis in the Ivory Coast focusing on the specific UN certification role. The certification mandate of the UN, often criticised in other countries, in the Ivorian context play a crucial role in ascertaining the veracity of the results as returned by the CENI. This was based on the specific analysis of every polling station results sheet. He concluded by highlighting the difficulties for international election observation missions to make clear-cut pronouncements in situations of unclear results and to detect and anticipate electoral violence.

Vincent Tohbi, of **EISA**, highlighted the positive level of cooperation between organisations on the ground, despite an overwhelming number of observer groups, which might justify considering measures to control the accreditation of these groups. He also emphasised the need for methods to acknowledge the legitimacy of results in situations where the validity of pronouncement of State authorities is doubted. Similarly, although international election observation has evolved significantly and established a coherent methodology, it lacks a conflict mediation system that could be extremely useful in similar contexts of conflict.

Malgorzata Wasilewska, of the **EEAS**, highlighted the EU's difficulties in comprehending the certification process and the distinction between observation and certification. She explained that the EU EOM to the Ivory Coast did not sign the UN declaration on Election day which stated that international observers rated the process as good, as it had still not finalised its own assessment. She reiterated the EU EOM's request that results be published by polling station to ensure the greatest possible transparency and accountability. This would have facilitated the task of international and especially domestic observation in providing clearer assessments.

The following discussion raised the question of whether the UN should assume such intrusive roles in electoral processes. **Craig Jenness**, of the **UNEAD**, responded that this certification role was exceptional and the consequence of a Security Council mandate aimed at conciliating two parties in conflict. The point was made that in such particularly difficult contexts there were no clear answers as to how to help defend and protect domestic observers.

Session VII: Haiti: the Role of Observers in a Results Management Crisis.

Facilitator: *Glenn Cowan*, Democracy International

Panellists:

- *Marie-Violette Cesar*, Team Leader of the EU Election Expert Mission to Haiti
- *Pablo Gutierrez*, Director of Electoral Cooperation & Observation Department, Organisation of American States (OAS)
- *Joe Clark*, Former Prime Minister of Canada and leader of several international election observation missions

Glenn Cowan, of **Democracy International**, introduced the topic of results management by raising the controversial question of whether international election observation had moved away from strictly observing to actually commenting on the process and is currently even approaching direct interference with the process.

Marie-Violette Cesar, Team Leader of the **EU Election Expert Mission to Haiti**, introduced the political and electoral context leading to the results management crisis in Haiti and the *ad hoc* agreement between the Haitian Government and the OAS regarding the establishment of an Expert Mission to verify the tabulation process. She concluded by stressing the uncomfortable legal vacuum in which this mission operated.

Pablo Gutierrez, of the **OAS**, agreed that international election observation missions must not substitute themselves to the national authorities or verify results. He further commented on the delicate balance that the OAS must maintain between the principles of political integration and those of non-interference. The Expert Mission verified the vote-counting mechanisms, judicial dispute procedures, as well as digitalisation procedures. The Mission did not present results in its report, it merely stated that a certain result could be obtained by following specific steps and procedures. An unfortunate leak of this report created a serious crisis that was mitigated by the political goodwill of the incumbent president. Mr. Gutierrez concluded his presentation by reaffirming his commitment to transferring capacities and resources for Haitians to carry out their own electoral processes, even if done imperfectly.

Rt. Hon. Joe Clark, of **NDI**, referred back to an example from a Commonwealth mission to Cameroon in 2004. In this case, a decision had to be taken as to whether to issue a harsh statement at the risk of losing influence, and the possibility to introduce changes in the future; or to opt for diplomacy and give the country an opportunity to improve its process. He raised a second question regarding the need to reflect on what would happen if observers were not deployed.

The discussions that followed underlined that international election observation missions should not get involved in verification or any other form of interference. While recognising that recommendations are important for some national stakeholders, the majority are likely to focus solely on the statement headline. This situation reflects the tension that Mr. Cowan identified between the technical and political perspectives of international election observation.

Session VIII: 2012 Meeting Preparations and Main Themes

Pat Merloe, Senior Associate and Director of Electoral Programs, NDI

Pat Merloe, of **NDI**, welcomed the Pan-African Parliament's endorsement of the Declaration of Principles, raising the number of signatory organisations to 39. He noted that every technical exercise in democracy support is carried out in a political environment, and that politics are not necessarily negative.

For next year's sessions, he voiced some suggestions such as inviting members of the US EMB as well as possibly other members from international EMBs. The need for better recommendations and proper follow-up, as well as the cooperation between international and domestic observers were such recurrent topics that they will be carried over into next year's agenda, possibly through a series of case studies. Regarding new topics, he pointed out an interest in focusing on the potential to mitigate conflict and political violence, as well as a more technical discussion on information technology and elections.

Following Mr. Merloe's statements, the possibility of holding a future meeting of signatory organisations in a strategic country was raised. Another critical comment was made regarding the need to analyse and revise existing methodologies to ensure the real applicability of the Declaration of Principles, given the different nature and working methods of the various signatory organisations. A similar concern regarding the "Declaration of Global Principles for Non-Partisan Citizen Election Observation and Monitoring" was also expressed.

Final Remarks from the EU Election Observation Services

- *Agnieszka Walter-Drop*, Director of Directorate A-External Policies, European Parliament
- *Veronique Arnault*, Director of Human Rights and Democracy, European External Action Service
- *Tung-Lai Margue*, Director of Service for Foreign Policy Instruments, European Commission

In their final remarks, the EU Election Observation Services reiterated the EU's commitment to international election observation and the positive influence of these meetings on its observation's methodology development. The involvement and value of parliamentarians in international election observation missions was emphasised, as well as their potential role in following-up on recommendations. It was remarked how the follow-up of the observers' recommendations has emerged as the single biggest challenge ahead for international observation, but not only for this community. This is not so much in terms of international attention to the recommendations, but in terms of practical impact on the democratic process in the partner countries. The adoption of observers' recommendations in the partner countries requires a much broader and coordinated effort to make them part of the political dialogue.

The members of the High-Level Panel as well as all participants were thanked for their active participation and noteworthy commitment to democracy and human rights. The European Parliament, the EEAS, the European Commission, and the NEEDS Project were commended for their efforts in ensuring the success of the Sixth Annual Meeting of the Implementation of the Declaration of Principles for International Election Observation.