

International election observation and assessment of elections

Editor:
Hans Schmeets

Explanation of symbols

.	data not available
*	provisional figure
**	revised provisional figure
x	publication prohibited (confidential figure)
–	nil
–	(between two figures) inclusive
o (o,o)	less than half of unit employed
a blank	category not applicable
2010–2011	2010 to 2011 inclusive
2010/2011	average for the years 2010 up to and including 2011
2010/'11	cropyear, financial year, book year, school year etc., beginning in 2010 and terminating in 2011
2008/'09	
–2010/'11	book year etc., 2008/'09 up to and including 2010/'11

Detailed items in tables do not necessarily add to totals because of rounding.
Revised figures are not marked as such.

Publisher

Statistics Netherlands
Henri Faasdreef 312
2492 JP Den Haag

Prepress

Statistics Netherlands
Grafimedia

Print

Drukkerij Tuijtel B.V., Hardinxveld-Giesendam

Cover design

Telldesign, Rotterdam

Cover photo

Caecilia J. van Peski

Information

Tel. +31 88 570 70 70
Fax +31 70 337 59 94
Via contact formulier:
www.cbs.nl/infoservice

Where to order

E-mail: verkoop@cbs.nl
Fax +31 45 570 62 68

Internet

www.cbs.nl

Price: € 30.00
(excluding postage)
ISBN: 978-90-357-1782-4
Print run 650 copies

© Statistics Netherlands,
The Hague/Heerlen, 2011.
Reproduction is permitted.
'Statistics Netherlands' must be quoted as source.

Contents

1	Introduction	17
	<i>Caecilia van Peski, Hans Schmeets and Valery Shyrokov</i>	
1.1	Expert Meeting	18
1.2	International election observation	18
1.3	Aims of the Expert Meeting	20
1.4	This book	21
1.5	Acknowledgements	23
2	Developments in election observation	27
	<i>Bruce George and Simon Kimber</i>	
2.1	Introduction	29
2.2	Democracy promotion	31
2.3	Early observation	35
2.4	Developments in election observation	38
2.5	Improvements still needed?	55
2.6	Conclusion	61
2.7	Literature	61
3	History and mandate of election observation: the OSCE/ODIHR experience	71
	<i>Gerald Mitchell</i>	
3.1	First Election Observation Missions	72
3.2	OSCE/ODIHR long-term Election Observation Missions	73
3.3	The 1996 Albanian Parliamentary Elections	74
3.4	The 1996 Armenian Presidential Elections	76
3.5	The change in the mandate	76
3.6	Cooperation agreement with OSCE Parliamentary Assembly	77
3.7	ODIHR's activities in delivering its mandate	78
3.8	Dialogue with the Russian Federation	79
3.9	Sensitivity of election observation	80
4	The Office for Democratic Institutions and Human Rights	85
	<i>Nicolas Kaczorowski</i>	
4.1	Promoting democracy	86
4.2	Criticisms at observers	87
4.3	Conditions for successful election observation missions	88
4.4	Conclusions	90
4.5	Literature	91

5	The OSCE Office for Democratic Institutions and Human Rights and its challenges in relation to election observation	95
	<i>Dame Audrey Glover</i>	
5.1	Introduction: growing international pressure for greater accountability	96
5.2	ODIHR and election observation	97
5.3	Challenges	98
5.4	Conclusion	102
6	The Council of Europe EOMs in Kosovo 2000–2007	105
	<i>Franck Daeschler</i>	
6.1	Introduction	106
6.2	Deployment period	107
6.3	Methodology and reporting system	109
6.4	Preliminary statement	110
6.5	Conclusions and recommendations	111
7	International election observation and democratization	115
	<i>Caecilia van Peski</i>	
7.1	Introduction	116
7.2	Principles of democracy	117
7.3	Global governance and democratic development	120
7.4	A global institutional approach to democracy support: The Community of Democracies	123
7.5	International election observation missions	124
7.6	Key players in international election observation missions	125
7.7	International election observation in support of principles of democracy	130
7.8	Conclusions	134
7.9	Literature	135
8	Analyzing observer report forms: an overview	141
	<i>Hans Schmeets</i>	
8.1	Introduction	142
8.2	The design of the observer report forms	145
8.3	Deployment, data collection and analyses	148
8.4	Results: the overall assessment indicator	150
8.5	Results: 1996–2010	153
8.6	Conclusions and discussion	158
8.7	Literature	161
9	The ‘C-factor’: impact of the nationality of observers on observing elections	167
	<i>Caecilia van Peski and Hans Schmeets</i>	

9.1	Introduction	169
9.2	Multinational character of international election observation missions	170
9.3	Impact of observer nationality in observing elections	172
9.4	The ‘C-factor’: concepts of country and culture	174
9.5	Position dependence and hetero-stereotyping	178
9.6	The possible impact of culture in observing elections	179
9.7	Research questions and methodology	180
9.8	Preliminary findings	182
9.9	Conclusions	184
9.10	Literature	185
10	How to improve election observation missions?	191
	<i>Anders Eriksson</i>	
10.1	Introduction	192
10.2	Training observers	193
10.3	Observer report forms	195
10.4	Local staff, long-term observers, and core team	195
10.5	Conclusion	196
10.6	Literature	196
11	MEMO 98 – methodology of monitoring media during elections	199
	<i>Rast`o Kužel</i>	
11.1	Introduction	200
11.2	Quantitative approach	200
11.3	Qualitative approach	203
11.4	Indicators	204
11.5	Monitoring political and electoral coverage	206
11.6	Conclusion	207
11.7	Literature	208
12	Working for democracy: the effectiveness of election observation	211
	<i>Marta Regalia</i>	
12.1	Introduction	212
12.2	Observe and report, detect and deter	214
12.3	Polling station by polling station	216
12.4	Ukraine and its 2004 presidential election	217
12.5	Testing the “Observer effect” through election results	220
12.6	All else being equal: what does it mean?	222
12.7	Conclusions	233
12.8	Literature	234

13	Short-term observers from the U.S.A. and the Russian Federation	239
	<i>Alexander Münninghoff</i>	
14	Election observers and parliamentarians	245
	<i>Harry van Bommel</i>	
15	The Long Term Observer	251
	<i>Ben M. Groen</i>	
	15.1 Tasks of the Long Term Observers	252
	15.2 Constraints and recommendations	254
	15.3 Enjoying long-term missions	257
	15.4 Literature	257
16	The perspective of the Head of Mission in an OSCE/ODIHR Election Observation Mission	261
	<i>Onno van der Wind</i>	
	16.1 Introduction	262
	16.2 Organization	264
	16.3 Content	265
	16.4 Conclusions	270
17	Trust and proxy voting in The Netherlands	273
	<i>Hans Schmeets</i>	
	17.1 Introduction	274
	17.2 Framework of social cohesion	275
	17.3 Data, methods and results	277
	17.4 Trends 1989–2010	278
	17.5 The Netherlands in the European perspective	280
	17.6 Proxy voting and group voting	283
	17.7 Voting together	285
	17.8 Conclusions and discussion	287
	17.9 Literature	289
18	Electronic voting in The Netherlands	297
	<i>Herman Ruddijs</i>	
	18.1 1966–2006: Prelude	298
	18.2 2006–2011: The end of electronic voting in The Netherlands	299
	18.3 Conclusions	300
	18.4 Literature	300

19	The Dutch Electoral Council	305
	<i>Melle Bakker</i>	
20	Summary of the discussion	313
	<i>Valery Shyrovkov, Caecilia van Peski, Lidwien Hollanders, Jaap Hoogenboezem, Manual Kilian, Rik Linssen, Daniel Mannfeld, Ninja Schneider and Hans Schmeets</i>	
	20.1 Different observer organisations	314
	20.2 The politicisation of observation	315
	20.3 The quality of observation	317
	20.4 E-voting and proxy voting	319

Welcome notes

Dean of the Faculty of Arts and Social Sciences of Maastricht University

Rein de Wilde

Welcome to Maastricht, to Maastricht University and to our Faculty. An old city and a young university, established in the 1970s, – I would say a perfect match. As most universities established in the 1970s, we have a campus outside the inner city – that is the campus for health sciences and psychology. The more essential sciences, at least from our perspective, are in the inner city – law, economics, business, political science, humanities. And our own campus is in the city centre. Due to the former success of the Roman Catholic Church, we could establish the campus here in the inner city. Our main buildings are former monasteries and chapels.

The mission and the focus of the university can be described in three key words, which are Student-Centred, Problem-Based, and International. When the university was established in the 1970s there were no lectures at all. The teaching process was interactive, which corresponded to the spirit of the seventies. We still have small groups, we are still interactive and favour interactive teaching, but the teaching process became more balanced and now we also use the more traditional approaches. Now we also lecture

Problem-based means that when we establish programmes here, we look at issues and problems in society and try to build programmes that could address them. Therefore, in Maastricht we have International Business and Global Health programmes, and also a many programmes focusing on Europe – European Law, European Studies, European Health, and European Economics. We are very proud of this. Always when you are innovative it is a mixed bag. When people look at Maastricht they admit that we are very innovative, have good programmes, but they question the quality of the research.

Therefore, we are very proud to have received the results of the recent and most authoritative ranking of Master's Programmes in the Netherlands, made by 'Keuzegids', because Master's Programmes are linked to research. According to 'Keuzegids', Maastricht University is the highest ranked general university at the Master's level. This ranking is based on expert reports on the accreditation of our programmes.

They say, 'The score is not uncommon for Maastricht, however, it is still surprising'. Maastricht University has very high scores at the Bachelor's level. But many people felt hat

Maastricht University is a young and, therefore, inexperienced university which is unable to reach a high level with its Master's and its research. The opposite turned out to be true. The independent experts, who check all Master's programmes, ranked Maastricht University number one. So, I quote this, firstly because we are proud of this and, secondly because it shows the importance of independent experts. And that is what this workshop is about.

We need to focus on facts and systematic observations. We are going beyond pure perceptions – this is the key and the foundation for our civilization. This is also true for science. Most of us have learnt the lessons of Karl Popper. He said observation plays a role in science, but science really distinguishes itself in that it comes forward with ideas that are tested by the researcher. I would say the history of science and also our current teaching has come to a somewhat different conclusion. Of course, ideas are important, but we can see that systematic observation is the key element.

Then we look back at Popper and see that he focused on analysis, on experimentation. But we also have a thing we call natural history in science. We know atlases of birds in Southern America, and all the extensive classifications we have in science – that kind of work is still important. Natural history implies systematic observation and data-collection, in short the work you are doing and discuss in this conference. These activities are not just a thing of the past, they still play a civilizing, a disciplining role in science. Therefore, what you/we are doing as “observers” is no doubt an essential part of doing and promoting good science.

I am very proud that we are one of the sponsors of this conference and I wish you a very productive and inspiring workshop.

Director of Methodology and Quality Division, Statistics Netherlands

Kees Zeelenberg

Dear participants,

As the Director of Methodology and Quality Division at Statistics Netherlands, I have the pleasure of welcoming you most warmly to this expert meeting in this beautiful setting here in Maastricht, the capital of Limburg. As you may know, Statistics Netherlands has close ties with the region of Southern Limburg, since one of our two locations is just a 30 minute drive from here.

This Conference is a joint effort of the Maastricht University and Statistics Netherlands. Statistics Netherlands has a long-standing tradition of gathering information based on samples of the Dutch population. One example of such a survey is the Dutch Parliamentary Election Study, which is conducted in close collaboration with the Dutch Foundation of

Election Studies, and I am glad to note that the Director of this foundation – Mr. Van der Kolk – is also present at this conference.

Actually there is a close link between the Election Observation Missions and Statistics Netherlands. Statistics Netherlands was approached by the European Commission to provide a statistical expert for the EU Election Unit during the 1995 Russian Election Observation Mission. This expert was Hans Schmeets, the organizer of this conference, and who is also one of the linking pins between Maastricht University, where he is a professor, and Statistics Netherlands, where he works as a social statistician.

One of the lessons learned from that election mission in 1995 was the awkward design of the observer report forms. Thereafter, SN took the lead in designing the new generation of observer report forms for the Russian Presidential Elections of 1996. A few months later, this design was also implemented in the Election Observation Mission in Bosnia in 1996. Of course, the design has been improved over the years, but many questions in the forms did not change, which is an important asset for making cross-election comparisons.

There are several reasons why we, as Statistics Netherlands, support this conference. First, as I have already mentioned we helped designing the observer report forms. Secondly, we are expanding our statistical programs on social cohesion. This research on social cohesion has resulted in many publications, such as a book 'Social cohesion: Participation, Trust and Integration' published in December last year. Now, social cohesion is strongly related to political participation and political trust, and for trust in politics, election observation missions and their reports are important.

Thirdly, trust is also important for Statistics Netherlands as a public institution. Without trust in statistics and in our work, we would not be able to contribute to society. It is essential for public debate in a democratic society that statistical data can be, and are, trusted.

So let me finish by wishing you very fruitful discussions throughout these two days in Maastricht.

The Mayor of Maastricht

Onno Hoes

Ladies and gentlemen,

Welcome to Maastricht. Welcome in particular in the Church of Our Lady, one of the oldest and finest historic buildings in our city. The earliest sources that mention this church date from the end of the eleventh century. We do not have much concrete information about the time before that. One theory is that the church was built on the remains of a Roman temple. However, the Church of Our Lady illustrates the rich history of Maastricht.

The municipal government is greatly honoured to welcome you, as experts in the enhancement of International Election Observation and the Assessment of Elections. In other words: you are the experts in democracy. We naturally do not need to explain that the solidity of elections for me as mayor as well for the municipality is a daily topic. That is why we applaud the advancement of knowledge in this specific field. So you may rest assured that we value your presence here.

Ladies and gentlemen,

Your conference is not only taking place here in Maastricht, it is also taking place in the heart of Europe. You are of course aware that Maastricht is the birthplace of the European Union and its currency, the euro. Both were established in the Maastricht Treaty, concluded here nineteen years ago. I must add that this world-famous treaty has also proven to be a huge advantage for our city. Since then, we have been referred to as the Fourth City of Europe, after Brussels, Strasbourg and Luxembourg. Not in terms of size, of course, but rather in reference to our European profile.

Ladies and gentlemen,

It is not only the Maastricht Treaty that we have to thank for that, however. Our European status is largely due to our geographical location. After all, the Maastricht region shares two hundred and twenty kilometres of border with Belgium and Germany, and only eight kilometres with the rest of the Netherlands. You will understand that people, goods and services are constantly crossing the borders here. Indeed, in this region we are more or less forced to think and act as genuine Europeans.

In addition, Maastricht is home to more than one hundred international institutes, some of which are closely allied to the European Union and the United Nations. That is why the municipal government's policy and all the organisations and businesses operating in our city are European in outlook. As for the future of our economy, our aim is to develop into a high-tech knowledge city of European stature. That means that we intend to attract a large number of advanced research institutes and innovative, knowledge-driven companies. But I must admit that a city of one hundred and twenty thousand inhabitants is too small to work towards being a European-scale, knowledge-driven economy all by itself. So we have decided to join forces with our neighbours.

Maastricht is located right at the heart of the Meuse-Rhine Euro region, a contiguous area that encompasses cities such as Aachen in Germany and Liège and Hasselt in Belgium within a thirty kilometre radius. This united region has no less than four million inhabitants, more than two hundred and fifty thousand companies, four leading universities and a total of seventy thousand students. It also has two international airports and a number of other major airports nearby. It has two TGV stations, several large inland harbours and three international conference centres. Our Gross Regional Product is approximately half that of EU member state Denmark!

Ladies and gentlemen,

I am mentioning these figures in order to show you the enormous potential of this city and region. But the government cannot transform Maastricht and environs into a knowledge region all on its own, of course. Trade and industry, and in particular higher education, play a decisive role in this process. I am therefore delighted that we have the full support of the leading parties in the city. The most important partner is the Maastricht University. By joining forces, we have already been able to take a number of steps in the right direction.

Ladies and gentlemen,

The City of Maastricht also values an academic climate. That brings me to your presence here today. I am not enough of an expert to talk at length at the topics of your conference. But what I do know as a public administrator is that conferences such as yours play an important role in helping us achieve our ambitions. The presence here of an expert meeting like yours, creates the sort of academic climate that we wish to have in this city. So rest assured that you are guests in a city that greatly appreciates your presence. I am therefore most indebted to you for visiting Maastricht, and, on behalf of the municipal authorities, I would like to wish you an inspiring and productive stay here. Despite your busy programme, I also hope that you find time to have a look round our historic city centre. Enjoy the many fine old buildings, the cultural facilities, and the exclusive restaurants and shops. Most of all, soak up the international ambience. Thank you once again for visiting Maastricht.

1

Introduction

1.1 Expert Meeting

1.2 International election observation

1.3 Aims of the Expert Meeting

1.4 This book

1.5 Acknowledgements

1 Introduction

Caecilia van Peski, Hans Schmeets and Valery Shyrovov

1.1 Expert Meeting

The Expert Meeting on enhancement of international election observation and assessment of elections took place in Maastricht, The Netherlands, on 8–9 April, 2011. This Meeting became possible through the co-operation between the Maastricht University Faculty of Arts and Social Sciences and the Statistics Netherlands. The Meeting was attended by representatives of the Organization of Security and Co-operation in Europe/ Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the European Union (EU), NEEDS, the Ministry of Foreign Affairs of The Netherlands, the Electoral Council of The Netherlands, the Carter Centre Atlanta (USA) as well as a number of political researchers, election experts, observers and consultants.

The current publication is an outcome of this Expert Meeting and addresses various issues pertaining to advancement and improvement of international election observation missions. It also contains recommendations on the future development of assessment of elections through international observation.

1.2 International election observation

As a community of states committed to democracy (56 participating States from Europe, the Caucasus, Central Asia and North America, covering most of the Northern hemisphere), the OSCE places great emphasis on promoting democratic elections as a key-pillar of long-term security and stability.

In 1990 all OSCE participating States signed the Copenhagen Document committing them to open their national elections to international scrutiny, notably to international observers from the OSCE's ODIHR, the Office for Democratic Institutions and Human Rights. The ODIHR's mandate to observe elections derives from Paragraph 8 of the 1990 Copenhagen Document and is confirmed by the 1990 Charter of Paris for a New Europe, the 1993 Document of the Fourth Meeting of the CSCE Council of Ministers (Rome), the 1994 Budapest Summit Document, the 1999 Istanbul Summit Document (Charter for European Security), and the 2006 Decisions of the Fourteenth Ministerial Council (Brussels).

Starting with its first Election Observation Mission (EOM) in 1995, the OSCE/ODIHR has observed to date over 230 elections. With reference to the 1990 Copenhagen commitments and subsequent documents, the OSCE/ODIHR releases preliminary and final statements on the election process and reports whether the election has been conducted in line with OSCE commitments and international standards for elections¹⁾. While OSCE commitments are the primary basis for assessments by the OSCE/ODIHR, regional standards for elections are also taken into account²⁾.

The OSCE/ODIHR statements – as verbalized in the preliminary reports distributed during the press conference the day after E-day (Election Day) and in the final reports – are based on the observations and findings of long- and short-term observers (LTOs and STOs), deployed across the country of observation to ensure a maximum coverage of all regions and of the selected polling stations from a representative (random) sample.

The decision to observe a specific election is based on the findings of a needs assessment mission (NAM) which may recommend one of a number of specific formats for election-related activity. The numbers of observers in an EOM reflect the needs of OSCE Member States, from a small expert team to a full-scale EOM (for example, 1,400 observers observed the repeat second round of Ukraine's presidential elections 2004 making this EOM the largest ever deployed by ODIHR).

Since 1995, not only the number of international observers has increased, but also more and more OSCE Member States, in particular from Eastern Europe, the South Caucasus and Central Asia participate in EOMs through the ODIHR's Diversification Fund. Consequently, EOM observers have become an increasingly diverse cultural entity

¹⁾ International standards for elections stem from political rights and fundamental freedoms enshrined in universal and regional treaties and political commitments. These principally include the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). Such universal treaties as the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination Against Women (1979) and the Convention on the Rights of Persons with Disabilities (2006) provide standards for the conduct of elections. Furthermore, standards for the conduct of international election observation have been established through the Declaration of Principles for International Election Observation, commemorated at the United Nations in 2005 and endorsed by a broad range of intergovernmental and international nongovernmental organizations involved in election observation.

²⁾ Such regional standards include in particular the CoE European Convention on Human Rights, Treaty on the EU and the EU Charter of Fundamental Rights as well as the CIS Convention on Standards of Democratic Elections, Electoral Rights and Freedoms.

representing the vast majority of the OSCE Member States. The Election Assessment Missions (EAMs), yet another format of election-related activity, have become a tool to observe elections in the 'older' democracies in the Western countries, for example, in the U.S. or The Netherlands.

1.3 Aims of the Expert Meeting

The main thrust of the Expert Meeting was to stimulate research and debate to further enhance quality and effectiveness of international election observation missions. Along the lines of the following perspectives, the discussions have centred on:

- a. the institutions involved in planning and implementation of international election observation missions (OSCE/ODIHR; EU; United Nations; Carter Centre Atlanta);
- b. OSCE Member States, in particular, The Netherlands;
- c. organizations with special focus on Good Governance related issues such as Human Rights, Public Administration, Transitional Justice, Minorities and Gender, Democratic Development, Civic Society;
- d. the role of observers; and
- e. the analysis of observers' findings.

In order to allow for a more targeted discussion, the topics of the Expert Meeting were grouped as follows:

Part I: Election Observation Missions Today

- Historical perspective and mandate stemming from the Copenhagen Commitments;
- EOMs: how does it work?;
- Processing and analysis of data;
- Translating observer findings into statement: the political factor;
- Recent developments in elections;
- OSCE/ODIHR, EU, United Nations and Carter Centre Atlanta;
- Problems and challenges.

Part II: Distinctive Characteristics of the Observer

- Background of the observer (deployment plans);
- Where, when and what do the observers observe?;
- Patterns in observations;
- Country variation on assessment of elections;

- The ‘C-factor’ (culture);
- Safety and security issues.

Part III: Enhancing EOMs: perspectives from observers

- Head of Mission;
- Long-Term Observer;
- Short-Term Observer;
- Training needs and recommendations for future observer education.

Part IV: The case of The Netherlands

- The Dutch Parliamentary Election Study: e-voting and proxy voting;
- The Electoral Council: recent developments;
- The Election Assessment Missions in 2006 and 2010.

1.4 This book

Addressing many of the abovementioned issues, this book opens with the welcome notes of Prof. Rein de Wilde, Dean of the Faculty of Arts and Social Sciences of Maastricht University, Mr. Kees Zeelenberg, Director of the Department of Methodology and Quality of the Statistics Netherlands, and Mr. Onno Hoes, the Mayor of the city of Maastricht. Their welcome speeches are included in the opening chapter. Further, this book proceeds as follows:

Chapter 2 is based on the on the keynote address by the former President of the OSCE Parliamentary Assembly, Rt Hon Bruce George. Together with Simon Kimber, he outlines a thorough analysis of the history of the OSCE/ODIHR election observation missions and beyond. In the next chapter Gerald Mitchell, the former Head of the OSCE/ODIHR Election Section in Warsaw, details the mandate of the OSCE/ODIHR since 1995, illustrating with various examples the challenges in election observation particularly in the early years of the organisation. More recent challenges faced by the OSCE/ODIHR are touched upon in the speech of the Senior Advisor of the organisation’s Election Section, Armin Rabitsch, on behalf of the Head of Election Section, Nicolas Kaczorowski. Subsequently, Dame Audrey Glover shares her views and experiences on often difficult relationships with various parliamentarian delegations in EOMs.

The opinions and views of other election observation organizations are addressed as well. Franck Daeschler from the Council of Europe dwells on the election observations missions in Kosovo from 2000 onwards where the Council of Europe had the lead role. He outlines

the advantages of those missions in terms of the extended periods in the field, compared to the OSCE/ODIHR. Caecilla van Peski followed up with a contribution on democratisation. Observing is one aspect in a mission, while the collection of data, analysis and interpretation of the findings is another one. Hans Schmeets, in his capacity of a Statistics Analyst, provides details on the findings from over 100 EOMs. The importance of the cultural dimension – the ‘C-factor’ – is addressed by Caecilia van Peski and Hans Schmeets, who outline a research design to assess the impact of observers’ nationalities in observing elections. Anders Eriksson, former NEEDS coordinator, gives several recommendations on EOM improvement where observer training is a central theme. Media monitoring is another crucial aspect of election observation. Rasto Kuzel, Director of MEMO 98, discusses the fascinating world of data-collection and analyses where a mixed approach – both quantitative and qualitative – is used to assess the balance and fairness in broadcasters’ coverage of election campaigns of the running candidates and parties.

Marta Regalia brings up a specific case-study in a presentation based on her PhD research on Ukraine’s 2004 presidential elections. She compares the official election results from the polling stations visited by international observers and the polling stations that remained outside the scope of international observation and demonstrates that international observation is an effective instrument to deter electoral fraud.

An Expert Meeting on the enhancement and assessment of election monitoring would have been a futile undertaking without input from observers on the ground. The former journalist and Dutch television correspondent, Alexander Münninghoff, shares his experiences as a Short-Term Observer with other observers stemming from the United States and the Russian Federation. Harry van Bommel gives his perspective of an election observer as a Dutch member of parliament. Being a highly experienced observer, particularly in the Caucasus region, Ben Groen portrays the work of the Long-Term Observer. He provides an overview of the LTO tasks and responsibilities and makes a number of recommendations to improve the work of the LTOs. And what is an EOM without the leadership of the Head of Mission (HoM)? In this capacity, former Brigadier-General Onno van der Wind takes us to Tajikistan and offers an insight into the role of a HoM.

Special attention has been paid to The Netherlands. Sure, this first Expert Meeting took place in The Netherlands, it was funded by Maastricht University and Statistics Netherlands, and many of the participants were Dutch. This, however, is not the only reason. Election-wise, The Netherlands is a very peculiar case. It is the first country in the OSCE region where the long-standing and widespread application of electronic voting was abandoned in 2007, re-introducing paper and pencil voting. Furthermore, proxy voting is a common practice in The Netherlands, whereas in most other countries third-party voting is either severely restricted or outlawed. Trust is an important factor in

elections, which is demonstrated by Hans Schmeets in chapter 17. The use of electronic voting in The Netherlands is addressed by the Electronic Voting Expert Herman Ruddijs. The debate on the Dutch case is concluded with the presentation of the Secretary-Director of the Dutch Electoral Council, Melle Bakker, where he points to several problems related to the paper and pencil voting.

The last chapter of this book offers a summary of the plenary discussion on the second day of the Expert Meeting.

1.5 Acknowledgements

We would like to extend our gratitude to all the participants for attending this Expert Meeting and investing time in writing their chapters. The entire undertaking would not have been possible without funding from two sponsoring institutions – Maastricht University and Statistics Netherlands whose financial contributions are greatly acknowledged.

Many people were involved in the preparations for this Expert Meeting: among others, Lidwien Hollanders, Rik Linssen and the students of the Honours Programme “Elections and Election Observation Missions”: Ninja Schneider, Manual Kilian and Daniel Mannfeld. And Jaap Hoegenboezem was an excellent chair during both days.

We are very grateful to Rita Gircour who did the language check and to Alena Shuba who did, among many other things, a thorough check on the references. Apart from the welcome speeches by the representatives of the two sponsoring institutions, Rein de Wilde and Kees Zeelenberg, we wish to express special thanks to Onno Hoes, the Mayor of Maastricht, for addressing the Expert Meeting and introducing its participants to this beautiful city, and particularly to the Basilica of Our Lady where the Meeting took place.

2

Developments in election observation

2.1 Introduction

- Is Democracy in decline?

2.2 Democracy promotion

- Electoral assistance/support
- The electoral cycle
- History of observation

2.3 Early observation

- Rapid growth of observation

2.4 Developments in election observation

- Working to undermine observation
- Russian elections
- Questionable observation
- OSCE PA
- Observation in consolidated democracies
- American election fraud
- UK election fraud
- Observation west of Vienna
- Modern totalitarianism
- Observation in electoral-autocracies
- Why autocrats invite observers?
- Collapsed and failing states
- Diffusion
- Electoral commissions complicit in fraud?
- Interim reports
- Common observation standards
- Domestic observers
- Technology

2.5 **Improvements still needed?**

- Crowded out by amateurs?
- ODIHR
- The need for observer training
- Long term observation
- Post-Election statement
- Electoral cycle and follow up

2.6 **Conclusion**

2.7 **Literature**

2 Developments in election observation

Bruce George and Simon Kimber

2.1 Introduction

The principle thrust of this paper will be an examination of the significant developments that have taken place in election observation over the last two decades, both the positive and the negative. We should note that while our paper will look at the general field of election observation and the different organisations within it, given our own experiences it will inevitably focus more on the work of the OSCE and ODIHR. However we will not be so parochial as to focus on just one organisation, but will try to look at this issue comparatively. Ironically, election observation (as we will point out) has a history well before the OSCE became engaged. It is our hope (and the organizers hope) that this paper will help to stimulate much needed further academic study into the field of election observation. As we will briefly discuss later while democracy promotion and electoral assistance have received much academic attention, election observation has been somewhat neglected. As one writer put it in 1994 “the story of election monitoring [...] remains largely unknown or misunderstood, even by many policymakers, foreign aid professionals, and practitioners in the field.”¹⁾ The situation has improved to some degree since this statement was made with further academic research being undertaken and a number of books published on the subject (and more further to come). But there is still much more work to be done to address this imbalance.

Is Democracy in decline?

In the last quarter of the twentieth century we witnessed what the late Samuel Huntington referred to as the third wave of democratization.²⁾ As Freedom House has

¹⁾ Bjornlund, 2004, p.9

²⁾ Huntington, 1991

highlighted by the end of the 1990s 61% of the world's free and independent countries had become electoral democracies- a 10% increase in just a decade³⁾. This led to a situation where "liberal democracy as the default form of government became part of the accepted political landscape at the beginning of the twenty first century."⁴⁾ However, the last few years have seen something of a decline in global democracy. Being farsighted, Huntington did alert us to the likelihood of what he called a 'reverse wave' of democratisation that usually followed. It has been suggested that this is what we have been witnessing in the last few years. As the Economist Intelligence Unit's most recent Democracy Index reported in November 2010 "there has been a decline in democracy across the world since 2008 [...] Now democracy is in retreat. The dominant pattern in all regions over the past two years has been backsliding on previously attained progress in democratisation."⁵⁾ Larry Diamond called this a "democratic recession" in 2008.⁶⁾ Similarly Freedom House has for the last five years in their various reports, including "Freedom in the World" noted a continued decline in global freedom – "the longest period of setbacks for freedom in nearly 40 years."⁷⁾ They referred to 2009 as democracy's dark year.⁸⁾ However, with the recent events in North Africa and the Middle East, some have begun to question whether we are currently witnessing the start of a fourth wave of democratization.⁹⁾ It is too early to know what will be the end result of these recent developments in this region and whether any of the countries will become a model for democracy for Islamic nations.

No one as yet has come up with a widely accepted definition of what democracy actually is. Elections are certainly one vital component; as Kofi Annan famously said "While democracy must be more than free elections, it is also true that it cannot be less."¹⁰⁾ Some writers have cautioned against heaping too much emphasis on elections to the detriment of other important institutions. Many respected academics and authors have listed what they believe are the component parts of democracy like Dahl, Diamond and Sartori. A number of organisations such as Freedom House and the Economist Intelligence Unit have also sought to define democracy, with elections being just one of five different components making up democracy (the others being civil liberties, functioning of government, political participation and political culture).¹¹⁾

3) Freedom House, 2011b

4) Fukuyama, 2011, p.3

5) Economist Intelligence Unit, 2010, p. 1

6) Diamond, 2008, p. 36

7) Freedom House, 2011a

8) Freedom House, 2009

9) Joshi, 2011

10) Democracy Coalition, 2000

11) Economist Intelligence Unit, 2010, p. 1

2.2 Democracy promotion

We cannot consider the work of election observation without first setting it against the larger background of democracy promotion, democratisation, rule of law, good governance, electoral assistance, human rights, gender rights, etc which have come to dominate much of the work of the international community since the end of the Cold War. As the third wave of democratisation spread democracy throughout the world it also sprouted the growth of democracy promotion, or as Eric Bjornlund put it “Democracy promotion has ridden the Third Wave.”¹²⁾ Organisations like OSCE/ODIHR and the EU engage in the whole range of these separate branches of democracy promotion in its broadest sense. The range of relevant and related areas of policy are extremely numerous and growing. Set in the midst of this is what many of us might refer to as the jewel in the crown – election observation!

We are not going to spend much time on democratization, democracy promotion, human rights, etc. But we must first understand that there are a whole host of issues associated with the wider democratization field – whether this is gender rights, rule of law or good governance. It would be a mistake to look at these issues with the belief that elections occur in a vacuum. As well as this policy work being carried out by national governments and the international community, there are also a large number of excellent NGOs that also carry out this work. They include the National Endowment for Democracy, Westminster Foundation for Democracy, the German Stiftungs and the Netherlands Institute for Multi Party Democracy to name just a few.¹³⁾ There is a fundamental linkage between all of the different elements of democratisation. With all of these different elements that constitute democratization, one is getting closer to election observation when one looks at the world of electoral assistance. Indeed, in a number of cases it could be suggested that there is almost an overlap between electoral assistance and election observation. The UNDP produces a guide on the implementation of electoral assistance which states that “electoral support comprises two major components: electoral assistance and electoral observation.”¹⁴⁾ The British Government has recently produced two important documents, and others have made similar studies, in evaluating and itemizing the component parts of electoral assistance and its relationship with election observation:

¹²⁾ Bjornlund, 2004, p. 7

¹³⁾ Others include the Electoral Reform International Services (ERIS) in London, the Friedrich Ebert Stiftung (Germany), the Carter Center (USA), International IDEA (Sweden), the International Republican Institute (USA). There are a number of other such organisations and we apologise for not being able to list them all.

¹⁴⁾ UNDP, 2007, p. 1

“The international community has a vital role to play in the preparation for elections which would include assistance in planning, delivery and embedding of elections within a wider context of support to political systems and deepening democracy.”¹⁵⁾

Furthermore, the EU, which defines electoral assistance as “the technical or material support given to the electoral process”¹⁶⁾ argues “election observation is the political complement to electoral assistance.”¹⁷⁾

However, despite high enthusiasm and the investment of large amounts of money by governments and donors into electoral assistance and observation the results have been less than successful in many cases.

Electoral assistance/support

There has been a growth of literature on how democratic governments and parliaments can assist in the process of democratisation and the strengthening of the electoral process. The British Government, through the Department for International Development (DfID), recently commissioned a number of leading analysts and academics to offer their experience and knowledge in a recent review of electoral support. Synthesizing these studies with their own experience enabled them to construct what it called the ‘Nine Principles for Election Support.’¹⁸⁾ Supporting election observation is integrated within these principles. One recommendation made by this report in relation to election observation was the need for a comprehensive, credible response to electoral issues by the international community:

“In order to increase the credibility of the international response to elections, the international community needs to develop a neutral, standards-based approach and response to elections, and be more consistent about following up recommendations in elections reports.”¹⁹⁾

We can consider electoral assistance and observation as being at the core of much of this general democratisation work. As Thomas Carothers has argued “Election observation is the best-established, most visible [...] type of democracy-related assistance.”²⁰⁾ Observation is perhaps central to the wider set of democracy promotion activities, and is certainly the

¹⁵⁾ DFID, 2010a, p.6

¹⁶⁾ European Commission, 2006, p. 16

¹⁷⁾ Ibid., p.16

¹⁸⁾ DFID, 2010a, p. 11

¹⁹⁾ Ibid., p. 28

²⁰⁾ Carothers, 1997, p.18

one with the highest public profile. Whilst the literature on democratization and democracy promotion is growing exponentially, there is still ample scope for further research. The literature on election assistance is well covered, but once again further studies are needed. Unfortunately, however, the academic literature on election observation has not been commensurate with the task. Some people just see observation as an offshoot of democracy promotion and it is almost the poor relation to democratization in terms of the academic literature. Therefore, we welcome this publication and its aim to stimulate more research into the field. This is not to say that there isn't already some excellent literature, there is. In fact there are two new books coming out soon that focus on this very subject. One is by the Yale Academic Susan Hyde²¹⁾ and the other is by Judith Kelley²²⁾ from Duke University both of whom have already written substantially on this subject. We are sure both will help to fill the substantial gap in the academic research and having read much of their earlier literature we suspect they will be constructively critical.

The electoral cycle

A number of wealthier democratic nations have adopted the Electoral Cycle approach to democracy promotion, appreciating the obsolescence of the previous approach to election observation i.e. visiting a few days before an election. As the European Commission has highlighted in its own work:

“The notion of elections as one-off events every four or five years is no longer central to the EC External Assistance Policy. Intervention on this basis is not attractive on cost-benefit terms where impacts on governance and development are taken into account.”²³⁾

Donor governments working with the recipient countries should proceed together on a long and complicated path from the end of one electoral cycle to the next, perhaps four or five years later. This electoral cycle approach starts immediately after an election and looks at the whole broad issue of election processes focusing on institutional strengthening, the legal framework, planning and implementation, training and voter education, voter registration and observer accreditation, domestic observer training, regulation of parties and candidates. This is all before the election campaign period and the post-voting stages. Further information on the Electoral Cycle idea can be found in the European Commission's '*EC Methodological Guide on Electoral Assistance*' (2006).

²¹⁾ Hyde, 2011a

²²⁾ Kelley, 2012

²³⁾ European Commission, 2006, p. 42

History of observation

Before we look at the developments that have occurred in the election observation field, and improvements that still need to happen, it is worth briefly looking at the history of observation and how we came to the current system. As ODIHR (and others) has noted:

“The first reported case in modern history of international election observation took place in 1857, when a European commission of Austrian, British, French, Prussian, Russian, and Turkish representatives observed the general elections in the disputed territories of Moldavia and Wallachia.”²⁴⁾

If one wishes to be even more academic, we could cite the endeavours made by early democratic Athens and Italian city states to ensure the security of the ballot as even earlier examples of election observation.

It is worth noting that in the last two decades observation has undergone something of a transformation. Even a quick reading of early ODIHR reports from the mid-1990s compared with ones being written today shows the major positive developments. Those early missions by so many organisations around the world show how limited the observation was when it began with narrow coverage, small teams, and very short reports.

While academics have identified a number of early examples of election observation by other organisations, the UN was probably one of the first major players in the field undertaking a number of missions pre-1989 as a result of the ending of colonization. However, they have recently stepped back and handed over the reins to regional organisations like the UN, OSCE and OAS, choosing instead to focus on electoral assistance as opposed to election observation. There is now a large pool of international organisations, NGOs, policy groups, etc around the world engaged in election observation and producing a vast literature. While we don't want to simply list all the organisations engaged in observation today, it is worth briefly highlighting some of the key organisations that are active in observation. Perhaps the most prominent of observation organisations are the inter-governmental bodies – these include the OSCE²⁵⁾, the European Union (EU)²⁶⁾, the African Union (AU)²⁷⁾, the Organisation of American States (OAS)²⁸⁾, the (former British) Commonwealth²⁹⁾, and the Commonwealth of Independent States (CIS). Similarly the

²⁴⁾ ODIHR, 2005, p. 1

²⁵⁾ <http://www.osce.org/odihr/elections>

²⁶⁾ http://eeas.europa.eu/human_rights/election_observation/index_en.htm

²⁷⁾ http://www.africa-union.org/root/AU/AUC/Departments/PA/ELECTION_UNIT/AU_Election_Unit.htm

²⁸⁾ <http://www.oas.org/en/topics/elections.asp>

²⁹⁾ http://www.thecommonwealth.org/Internal/39079/election_observation

Parliamentary Assemblies of these organisations also often engage in observation. Unfortunately, as we will discuss later, the standards of observation across these organisations are not universally applied. In addition to these international organisations there are also a number of excellent NGOs that undertake observation missions. These are primarily, but not exclusively, American (both in terms of their geographic base and their funding sources). We are talking of course of groups like the Carter Center ³⁰⁾, the National Democratic Institute (NDI) ³¹⁾ and the International Republican Institute (IRI) ³²⁾. There are also an increasing number of excellent domestic NGOs that observe elections in their own countries. While it would be impossible to name all of these groups it is worth noting that a number of these groups have recently formed coalitions together to promote shared standards and greater professionalism. They include the European Network of Electoral Monitoring Organisations (ENEMO)³³⁾ and the Global Network of Domestic Election Monitors (GNDEM) ³⁴⁾. We will discuss the work of domestic observers in more detail later on.

2.3 Early observation

Two of today's most active observation organisations – ODIHR and the EU – were both relatively late to the table when it comes to election observation, only really getting going in the 1990s. Other domestic and international observer groups were active in the field much earlier – a great deal of highly successful observation was undertaken in Latin and Central America in the 1970s and 80s, ushering in a lengthy period of democratic or near democratic rule. It engaged very successful and growingly competent domestic NGOs, the Churches, and a wide range of international organisations such as the OAS, United Nations, the Carter Center and other US NGOs. Much of this was funded by the US government, either directly, or indirectly through American NGOs. There was very close collaboration and these observation missions had often quite startling results, with the toppling of a substantial number of corrupt regimes (mostly military regimes). The 1989 election in Panama as an example “illustrated the powerful role that domestic and foreign NGOs can play in detecting and denouncing blatant fraud by corrupt regimes.”³⁵⁾ In the first decade or so, conservative governments were more successful in replacing the

³⁰⁾ The Carter Center <http://www.cartercenter.org/index.html>

³¹⁾ The National Democratic Institute <http://www.ndi.org>

³²⁾ The International Republican Institute <http://www.iri.org>

³³⁾ The European Network of Electoral Monitoring Organisations <http://www.enemo.eu>

³⁴⁾ The Global Network of Domestic Election Monitors <http://gndem.org>

³⁵⁾ Middlebrook, 1998

military regimes, but more recently more left wing governments have come to dominate. There are some excellent books³⁶⁾ that testify to the enormous impact, both international and domestic observers played in this region. Unlike the ODIHR observation missions that came later, the international observers at that time, particularly those from the Carter Center were much more engaged in negotiation between oppositions and corrupt military regimes.

It was not just in Latin America that early successful election observation stories could be found. In the Philippines there was a truly remarkable, almost peaceful revolution, when the immensely corrupt Marcos regime, which was a world leader in manipulating elections, “won an election and was then overthrown by a popular and peaceful revolution with much support from the US”³⁷⁾ led by Corazon Aquino.

Whilst it took both NATO and the EU a few years before seriously considering enlargement to include countries in Central and Eastern Europe, it would be erroneous to assume that democracy and free and fair elections emerged late in the minds of the new political leaders and parliaments in that region. NGOs in the United States, particularly NDI and IRI were incredibly swift in responding to the dramatic events in 1989 and early 1990. Teams were sent out to interact with the new post-Communist governments and substantial teams were sent out to observe the earliest elections and to give their collective expertise from both America and the wider democratic world. In some cases these groups even worked with the states in helping them select their electoral systems. Whilst a number of these countries were committed to democratization and high standards of elections (such as Poland and Hungary) some others (such as Romania and Bulgaria) invited external observers but had not yet reached the point of embracing liberal democracy and election integrity. Larry Garber of NDI wrote:

“International observers were present for all of the 1990 elections in Eastern and Central Europe. Their collective efforts highlighted the growing acceptance and understanding of the roles that international observers can play in supporting free and fair election processes, especially in transition elections following years of non-democratic rule.”³⁸⁾

So given this early history of observation today’s two biggest election observation organisations (ODIHR and the EU) had to undergo a steep adjustment process in the early to mid 1990s until they reached what many would consider the pinnacle of election observation at that time. As one author has noted:

³⁶⁾ Such as “Electoral Observation and Democratic Transitions in Latin America” Ed. by Kevin J. Middlebrook, 1998 and “Elections and Democracy in Central America” Ed. By Mitchell A. Seligson and John A. Booth, 1995.

³⁷⁾ Middlebrook, 1998

³⁸⁾ Garber and Bjornlund, 1992, p. 211

“Since 1989 we have seen a clear learning curve on the part of most serious international observer groups, with the most significant evolution being an enhanced analytical focus on critical issues that precede election-day by many months...as a result, delimiting what precisely should be considered part of the electoral process becomes the new challenge.”³⁹⁾

“There have been several efforts to demarcate the key steps necessary for a democratic election”⁴⁰⁾ specifically what part of the system should be regulated by law. The excellent International IDEA⁴¹⁾ has written extensively on this subject and we would highly recommend their numerous election based publications to anyone.⁴²⁾

In 1990 the CSCE countries produced a document expressing the criticality of periodic, free and fair elections to bestow legitimacy and authority on all governments. This document, known as the Copenhagen Agreement, was the “first political agreement among sovereign states to institutionalize election observation by extending a standing invitation for OSCE states to observe each other’s electoral proceedings.”⁴³⁾ The Charter of Paris, which was also passed in 1990, established the Office for Free and Fair Elections (later re-named the Office for Democratic Institutions and Human Rights – ODIHR) which provided these observation missions.

Rapid growth of observation

Back in those early days of observation no one could have predicted just how much the field of election observation would grow and how common election observation missions would become. It has developed to such an extent that election observation is essentially the global political norm. As Susan Hyde has highlighted in her research “nearly eighty percent of national elections are now monitored.”⁴⁴⁾

It is not just that the rapid growth of election observation was unexpected; some writers were keen to predict that observation would quickly die away and lose relevance. Despite these early predictions election observation continues to be a growing industry with more and more groups jumping on the observation bandwagon year after year. Even the great and highly esteemed author Thomas Carothers, who has been right on most things over the decades, wrongly predicted in 1997 that the “recent wave of international election

³⁹⁾ Schedler, 2006, p. 45

⁴⁰⁾ *Ibid.*, p. 45

⁴¹⁾ International Institute for Democracy and Electoral Assistance <http://www.idea.int>

⁴²⁾ One example is ‘Making Electoral Assistance Effective’ http://www.idea.int/publications/making_electoral_assistance_effective/index.cfm

⁴³⁾ ODIHR, 2005, p. 2

⁴⁴⁾ Hyde, 2011b, p. 356

observation has probably crested”⁴⁵⁾ and that it would only last further 5–10 years. Nearly fifteen years later and observation is still going strong with no evidence of stopping anytime soon. Two academics writing in 1992 even stated that “extensive and intensive external observation [...] seems destined to be rather rare [...] only rarely will outside actors have an interest in such monitoring.”⁴⁶⁾

As observation has expanded with increasing missions around the world, the professional end of the spectrum has had to adapt to stay relevant and able to accurately detect fraud. To slightly vary the old French Foreign Legion saying (‘March or Die’), ODIHR and all election observers have had to ‘reform or expire.’ Over the years those engaged in observation have had to update their techniques and their methodology or risk being left behind and unable to effectively observe modern elections and to keep up with the growing sophistication of those carrying out electoral fraud. There are many people out there who would happily see the likes of ODIHR consigned to the history books, and some who would even actively work to see this happen (we’re talking of course of the Russians). Because of this ODIHR cannot afford to let standards slip for one minute. Each report must meet the same high standards of the one before and ODIHR must continue to adapt and learn.

2.4 Developments in election observation

Working to undermine observation

One of the main negative developments in election observation that we have witnessed in recent years has been the numerous attempts to weaken the concept of professional international election observation and the missions that are deployed. This is especially true in relation to those undertaken by ODIHR. We are talking specifically about the attempts by Russia and some of its allies in the Former Soviet Union to undermine the ODIHR methodology and therefore minimize the impact its observations can have within its sphere of influence. They have even begun sending observation missions from their own regional organisation (the Commonwealth of Independent States) to act as a sort of counter-balance to ODIHR criticisms.

⁴⁵⁾ Carothers, 1997, p. 30

⁴⁶⁾ Richard and Booth, 1992, p. 18–19

The observation missions that they conduct are often little more than attempts at distraction. When B. George took part in the observation of the Ukrainian elections in 2004 the mission was visited on a number of occasions by observers from the CIS PA who brought with them boxes of alleged cases of fraud against Yushchenko in the West. There was no evidence at all to their allegations, which reflects their observation missions in general. If and when their reports are ever published they tend to be eulogies to their allies in the former Soviet Union with nothing based on genuine observation and analysis. To take the 2009 Presidential elections in Kyrgyzstan as an example the CIS was reported to have concluded “elections were held in accordance with the current legal norms in the country, were open and free, and were held in line with constitutional rights and freedom”.⁴⁷⁾ This was in sharp contrast to the report of the OSCE which concluded:

“The 23 July 2009 presidential election in the Kyrgyz Republic failed to meet key OSCE commitments for democratic elections, in particular the commitment to guarantee equal suffrage, to ensure that votes are reported honestly and that political campaigning is conducted in a fair and free atmosphere as well as to maintain a clear separation between party and state.”⁴⁸⁾

The use of CIS observation missions reflects a greater trend by Russia and their CIS allies in recent years to use any number of forums to repeatedly denounce ODIHR’s attempts to conduct honest, in-depth observation, especially when it comes to their sphere of influence.

Whereas most ex-Soviet states tolerate ODIHR missions and their critical reports (albeit often ignoring their conclusions), Russia has actively prevented OSCE missions in recent years. In 2007 they went out of their way to undermine attempts by ODIHR to monitor their elections by refusing entrance to a Needs Assessment Mission, delaying the formal invitation until the last minute, seeking to limit the number of observers, and then refusing to issue visas. They placed so many obstacles on ODIHR’s way that ODIHR was ultimately forced to make the decision not to send a mission that would have been unable to do its job. Despite all of this, Russia did allow a small mission from both the OSCE PA and the Council of Europe to monitor the elections, perhaps expecting both of these organisations to be weaker in their criticisms as they have been previously. At this point the OSCE PA in particular was viewed as friendly towards Russia and was surely expected to give them an easier ride than ODIHR would have. To their credit, the subsequent report was extremely critical, if not based on any significant observation (given the tiny size of the mission and the time spent in country). The report concluded that the elections:

⁴⁷⁾ Rianovosti, 2009

⁴⁸⁾ ODIHR, 2009, p. 1

“took place in an atmosphere which seriously limited political competition and with frequent abuse of administrative resources, media coverage strongly in favour of the ruling party, and an election code whose cumulative effect hindered political pluralism. There was not a level political playing field in Russia in 2007.”⁴⁹⁾

Russian elections

Bruce George has personal experience of monitoring Russian elections having headed the Short Term Observation Mission to the Duma elections in December 2003 which were so bad and heavily criticized that as the then President of the OSCE Parliamentary Assembly he decided that the Assembly should save its money by not sending an observation mission to the Presidential elections in March 2004. He declared very publicly that based on what had been witnessed, the election would be a coronation rather than a free elections. This was borne out by the very critical report by ODIHR (who did observe the election) which stated:

“The process overall did not adequately reflect principles necessary for a healthy democratic nation. The election process failed to meet important commitments concerning treatment of candidates by the State controlled media [...] and lacked equal opportunities for all candidates and secrecy of the ballot.”⁵⁰⁾

The rest of the report was justly critical and vindicated the Parliamentary Assembly's refusal to attend and dignify such a process. Things got worse in Russia's enmity towards ODIHR.

It seems obvious to us that Russia has been attempting to redefine its commitment to international standards, and particularly to Long Term Observation, and has been seeking to marginalise, if not severely undermine, as a prelude to destroying, ODIHR's excellent work in the promotion of electoral integrity, democracy, human rights and the rule of law. Amongst Russia's many criticisms of ODIHR's methodology has been the idea that it is discriminatory against the CIS members; that ODIHR lacks transparency, objectivity and professionalism; that ODIHR operates autonomously, free of oversight and control; that ODIHR has focused almost exclusively on elections to the East of Vienna and that election observation should be undertaken in every participating State; they criticize the selection of Heads of Missions and Core Team as lacking.

⁴⁹⁾ OSCE PA, 2007, p. 1

⁵⁰⁾ ODIHR, 2004b, p. 1

If one wishes to read some further analysis of the ‘democratisation’ in Russia and the former Soviet Union, then we would highly recommend Prof. Andrew Wilson’s excellent book ‘Virtual Politics’⁵¹⁾ which underpins what ODIHR’s analysis has been, but with the benefit of time and his protracted studies, he has accentuated even further the failings of this region to even remotely reach international standards and in some cases to re-enforce electoral corruption.

Whilst relations between ODIHR and Russia appear to have slightly cooled down in the last twelve months, it remains to be seen whether Russia will permit a full observation process by ODIHR at its next elections, or will there be a repeat of the situation witnessed in the previous round.

Questionable observation

These efforts to undermine serious, effective, election observation are not limited to internal efforts within the OSCE however. A number of the more autocratic countries have taken to themselves trying to use election observation to endorse what others refuse to, to provide legitimacy to the illegitimate. Zimbabwe has, for example, taken to only inviting observer groups that will provide them with a fig leaf of legitimacy by endorsing the outcome of their elections. In the last few years we have seen the growth of a number of new ‘fantasy’ observation groups that are largely supportive of non-democratic regimes. We are talking specifically of the CIS, which has recently started to observe, but there are other groups which do the same. In earlier Presidential elections in Kazakhstan, George met with some of his British Conservative colleagues who we’re absolutely certain were funded in their observation mission by the Kazakhstan government itself, albeit through a third party. Unsurprisingly, they gave a glowing report endorsing the elections, together with a number of other groups who were brought into the country for that specific purpose such as some ‘domestic’ observers who were alleged to be independent.

The Times newspaper uncovered their work with the headline “British Team Accused of Kazakh Poll Whitewash.”⁵²⁾ Their subsequent endorsement of the election received widespread coverage in the Russian-language media and allowed supporters of the incumbent government to point to their statement as proof of their ‘democratic’ credentials. This group of British parliamentarians returned to the House of Commons very quickly intending to give a very glowing report to their colleagues, but George arrived off the plane and despite being tired, unshaven and a bit scruffy headed straight to

⁵¹⁾ Wilson, 2005

⁵²⁾ Page, 2005

Parliament where he was able to give the official line from ODIHR and a more accurate reflection of the election. At this point we would like to briefly congratulate President Nazarbayev in Kazakhstan for his 'surprise' re-election earlier this year, with 90% turnout and 95% voting in his favour. Unfortunately most of the genuine opposition political parties boycotted the election, further calling its legitimacy into question. Or as ODIHR put it "the absence of opposition candidates and of a vibrant political discourse resulted in a non-competitive environment."⁵³⁾

OSCE PA

Unfortunately it is not just Russia and its CIS allies that have been actively working to undermine professional election observation; unbelievably the OSCE Parliamentary Assembly has been supporting this. While Russia has followed this path as they see election observation as a threat, the OSCE PA is doing this purely as a power struggle with ODIHR. The leadership of the Assembly, namely its Secretary General Spencer Oliver, believes that it should be them, and not ODIHR, that takes the lead in OSCE election observation. Successive OSCE Chairmen-In-Office have sought to bring about a compromise to help heal the relationship between the two institutions which is so deeply important to election observation and the OSCE as a whole. As a result of this tension successive Chairmen-In-Office have appointed their own Special Representatives to observe election observation missions and to report back allowing an independent version of that observation.

Ever since an internal report to then President of the OSCE PA Alcee Hastings in June 2006, it has been obvious that elements of the OSCE PA leadership have sought to supplant ODIHR as the primary election observation body within the OSCE. Indeed in the conclusion of this memo the International Secretariat set out quite clearly their aims, which we quote in full.

"1. The Parliamentary Assembly, which has played the leading role in election monitoring since Chairman-in-Office Margaretha af Ugglas asked the Parliamentary Assembly to do so in 1993, should clearly be placed in charge of OSCE election observations. The ODIHR can and should, as foreseen in the Cooperation Agreement, play a subordinate and supportive role.

2. If this is not possible, then the Parliamentary Assembly should take full responsibility for all election monitoring activities, as is the case with the Parliamentary Assembly of the

⁵³⁾ ODIHR, 2011, p. 1

Council of Europe, the NATO Assembly, and the European Parliament. The expertise, independence, credibility, visibility and accountability of elected Parliamentarians argues strongly for this approach.”

The actions of some quarters of the Assembly since 2006 have clearly been directed at achieving these aims. The PA has also gone to the extent of trying to force cooperation between the OSCE observation missions and those undertaken by the CIS Parliamentary Assembly. As we have already mentioned, the observation undertaken by the CIS is wholly biased, unprofessional and a distraction from the genuine observation attempts of other groups. The idea that the OSCE and other genuine observer groups should work hand in hand with the CIS is ridiculous and would only serve to weaken the resulting reports. But there are a number of examples of this happening.

Last year during the Presidential elections in Ukraine the OSCE PA leadership made a number of attempts to get the CIS PA to join the International Observation Mission made up of the OSCE PA, the Council of Europe Parliamentary Assembly and the NATO PA. The first attempt occurred when the President of the OSCE PA, João Soares, brought to the table an offer from the CIS PA which was rejected by the delegation leaders. Then in between the two rounds, the OSCE PA Secretary General Spencer Oliver sent a letter to the delegation heads personally “requesting the delegation from IPA CIS be included in the IEOM.”⁵⁴⁾ This too was rejected.

Election observation is weakened by this guerrilla warfare – it should end with a cooperative relationship between the various Parliamentary Assemblies and ODIHR.

Observation in consolidated democracies

Partly as result of the increasing pressure placed upon the OSCE from Russia and its allies, but also because of ODIHRs own awareness of the gap in its methodology, ODIHR has undertaken one of the more significant, and more recent, developments in election observation and that has been the move to observe elections in countries traditionally ignored. Of course we are referring here to the established, consolidated democracies such as those in North America and Western Europe. These countries, especially the USA and the UK, have previously been quite arrogant in their assumption that their own elections are so perfect as not to warrant observation, despite the fact they had signed up to the same commitments that require it. The UK didn't even allow overseas observation until a few years ago, and they had to be embarrassed into complying with international standards.

⁵⁴⁾ European Parliament, 2010, p. 3

Just before the 2005 general election the Foreign Secretary at the time, Jack Straw, was addressing the House of Commons about the upcoming elections in Zimbabwe and talked about the refusal of President Mugabe to accept international observers, something Mr. Straw condemned. Knowing that the UK also refused to invite international observers, George addressed the Foreign Secretary and asked how he could condemn Zimbabwe when we ourselves didn't allow observers under current legislation. Unbelievably, he had no idea this was true! Later that year the same government, having won re-election published the Electoral Administration Bill. They finally introduced provisions that would have allowed observers, admittedly in a limited manner. The bill as introduced would have forced observers to seek the permission of each returning officer in advance of visiting their polling stations, undermining accepted best practice. It was only when we lobbied the government that the Bill was rewritten to allow observers in line with our international commitments.

American election fraud

Despite their arrogance the UK and the USA have a long history of electoral manipulation. America has a historically appalling record when it comes to tackling election fraud. Even the saintly George Washington would have surely fallen short of international election standards, especially in terms of what the British call treating or what the OSCE might today refer to as the abuse of administrative resources. The author Richard Bense identified the American mid-19th century as a period marked by fraudulent and often violent elections. Interestingly he also identifies what could be suggested as an early form of election observers – the so-called 'judges of elections' whose job it was to protect the vote and determine a voter's eligibility.⁵⁵⁾ After the Civil War, the so-called gilded age produced an endless succession of corrupt elections. We only have to think of Kennedy in 1960s Chicago, Illinois to be reminded of the continued existence of electoral fraud in America. Lyndon Johnson had a poor record of electoral integrity before he was elected President, and Truman was closely linked to the notorious Pendergast political machine in Kansas City, Missouri who considerably assisted in his early political successes. More recently we can see disputed elections and allegations of fraud in 2000 and 2004, especially in the case of Florida 2000. As one writer pointed out:

“had there been international election observers applying the same standards as in dozens of developing countries in recent years, they would have concluded that the 2000 Presidential election in Florida, and perhaps several other US states, was fundamentally flawed.”⁵⁶⁾

⁵⁵⁾ Bense, 2004

⁵⁶⁾ Bjornlund, 2004, p. 4

There is a significant literature on historical electoral fraud in America⁵⁷⁾, but it is a continuing problem that is not really discussed in America. The Electoral Assistance Commission did produce a report on the subject a few years ago but the final report was edited to limit the scope of fraud, as a leaked draft version demonstrated was a more serious issue. We think some of our American friends are in denial about the extent and persistence of fraud in their country. We're not even talking about the laxity of control over electoral finances which the Supreme Court hardly helped in a recent judgment (Citizens United vs. Federal Election Commission⁵⁸⁾).

And while ODIHR has observed elections in the USA in recent years, the reception they have received in some states has been very negative. Part of the problem for ODIHR has been the fact that each state has different rules over access and some have turned them away.

Because of the criticisms of the 2000 General Election and similarly in 2004 (on top of criticisms of most US elections), there was an overwhelming number of observers for the 2008 Presidential election. We're not referring to international observers as we have already discussed, but the domestic groups that sprang up (domestic NGOs, Democratic and Republican Party observers, campaign observers etc). On a visit to Washington DC during the election George visited the headquarters of a group called Common Cause that was running an extremely modern and effective monitoring system. It was truly formidable. Alongside these observers were the representatives of the political parties in large numbers. We would hazard a guess that the 2008 election was possibly the most observed election in American history.

UK election fraud

The UK has a similarly poor record historically when it comes to fraud. Fraud was rampant until the mid 19th Century when Parliament gave up the responsibility for examining allegations of electoral fraud and malpractice and handed it to the senior judiciary. Within a decade electoral fraud was virtually wiped out, which led to a feeling of complacency and arrogance. This was punctured by a succession of external investigations and reports that uncovered the re-emergence of fraud. This included a number of excellent reports by the Electoral Commission (which is not a traditional election commission by international standards.) One such external report was the 2008 Council of Europe report into UK electoral fraud which was highly critical and argued that it was "childishly simple to register bogus voters" in British elections⁵⁹⁾.

⁵⁷⁾ They include Overton 2006, Campbell 2006, Gumbel 2005, Raymond and Spiegelman 2008 and Fund 2004

⁵⁸⁾ Supreme Court of the United States, 2010

⁵⁹⁾ Council of Europe PA, 2007, p. 13

So while fraud has re-emerged to some extent, it is not as bad as the British media would have you believe. The problem has been accentuated by genuine attempts to increase voter turnout, efforts which have often not completely considered the integrity of the vote. Reforms such as introducing postal voting on demand have made some types of fraud easier.

Observation west of Vienna

As a result of criticism and pressure from a number of countries (mainly Russia) ODIHR has in recent years moved increasingly to monitor these consolidated democracies. Since 2000 they have observed elections in a number of western European and North American countries. A quick study of the ODIHR website shows that they have sent missions to Belgium, Canada, Finland, France, Iceland, Ireland, Italy, the Netherlands, Portugal, Spain, Switzerland, the UK, and the USA. Some of these countries such as France, the UK and the USA have even had multiple elections observed with the USA having the last four elections monitored in some form by both ODIHR and the OSCE PA. While there are perfectly valid reasons for this observation, many people remain to be convinced, especially given the scarce resources often devoted to election observation. These missions do tend to be much smaller than those that observe elections in emerging democracies. There are two possible explanations for this, one is a question of financial concerns—election observation is generally underfunded by the organisations that engage in it, so financial considerations have to be made when decided where to send a team.

The second possible explanation is that there is a belief that there is little for these countries to learn from observation so more significant missions are not worth the effort. We would disagree with the latter argument as you would only have to look at the reports ODIHR has produced to see the areas that still need work. For example when ODIHR observed the 2010 general election in the UK they stated that “concerns are regularly expressed with regard to the lack of safeguards against possible fraud resultant from a weak system of voter registration and postal voting, compounded by the absence of a requirement to produce identification at any stage of the process.”⁶⁰⁾

Furthermore they have repeatedly called on the government to update the legal framework for elections stating that it is not suitable for a modern election. In 2005 they argued “The legal framework for the elections should be consolidated, simplified and modernized through the conduct of a comprehensive review of all relevant legislation and legal acts. This would improve the transparency and accessibility of the electoral

⁶⁰⁾ ODIHR, 2010, p. 4

legislation.”⁶¹⁾ When we see this combined with the criticisms of the Council of Europe we can easily understand the need for election observation in consolidated democracies, and not just in transition states.

These countries, even the older democracies, do not have flawless electoral systems. In many of these countries the democratic standards have slipped; the Economist Intelligence Unit refers to such countries as ‘Flawed Democracies’ and they include (as of 2010) France, Italy, Greece, Moldova and Ukraine.⁶²⁾ Thankfully ODIHR, and other election observation organisations, are taking these countries seriously. A study of election observation reports for such countries clearly identifies where the failings are and what needs to be done to bring them back to the level of consolidated democracies. Perhaps ODIHR can tell us what follow up happens after such visits. Do the governments or Parliaments respond to the criticisms made by observers? Because if the more democratic states are not responding then how can we expect the more transition states to do so?

The new Hungarian government, considered a flawed democracy in the 2010 Economist Intelligence Unit Democracy Report, has recently been subject to significant criticism both internally and externally over a number of areas, specifically its media law. This is particularly embarrassing given that Hungary held the Presidency of the Council of the EU at the time. From our reading of the situation the government doesn’t exactly appear worried about the criticism. The Prime Minister has strongly rejected any criticism of his media law and any suggestion it might be anti-democratic; however the German government has called his recent moves “a danger to democracy.”

We’re not saying this to criticize the Hungarian government, but to demonstrate the need for ODIHR and other election observers to maintain and even extend their scrutiny of countries considered to be democracies, both consolidated and flawed. Freedom House in their 2009 report Nations in Transit talked about how a number of recent EU member states have started to move backwards on the issue of democracy “democracy scores have declined for seven out ten new EU member states.”⁶³⁾

Some newer democracies for obvious reasons have been more recently consolidated, but having studied how the standards set for NATO membership which included civilian control of the military and democratization, and the almost parallel process undertaken by the EU with far more stringent requirements upon membership applicants, were often compromised when the final decision on accession was made. While membership in these organisations was certainly a strong motivator in the consolidation of these new democracies (whether in Southern Europe, or Central and Eastern Europe), the stringent

⁶¹⁾ *Ibid.*, p. 5

⁶²⁾ Economist Intelligence Unit, 2010, p. 1

⁶³⁾ Freedom House, 2009, p. 28

democratization requirements were often not fully met when membership was granted. Therefore continued engagement is required.

Modern totalitarianism

There are still old-fashioned totalitarian single party states such as Cuba, China, Vietnam, North Korea, and for the moment Libya and Syria. There are also still a very large number of military regimes, in Africa and Asia especially but not exclusively. Some countries like Pakistan either have direct military rule or they sit on top of elected governments, historically proving such elected governments don't last for long. There is not much by the way of serious elections in the aforementioned countries.

Observation in electoral-autocracies

There are many countries which sit in between weak democracies and dictatorship. These states have various names whether defective democracies, hybrid regimes, pseudo-democracies, disguised dictatorship, competitive authoritarianism or electoral authoritarianism. The concept of electoral authoritarianism has recently produced numerous books.⁶⁴⁾

These are countries defined variously as regimes that “play the game of multi-party elections by holding regular elections for the chief executive and the national legislative assembly. Yet they violate the liberal-democratic principles of freedom and fairness so profoundly and systematically as to render elections instruments of authoritarian rule rather than instruments of democracy.”⁶⁵⁾ Further they establish constitutions, parliaments, limited media (some of it in private hands), limited civil society, and even occasionally opposition political parties.

However, in such systems opposition parties have little chance of winning and some are even denied the right to contest. Political rights and civil liberties are greatly reduced and corruption, including in elections, is exceedingly high. Many of the countries that fall within this category exist within the OSCE region and are therefore regularly observed. They include Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Uzbekistan, Russia and Tajikistan and as Freedom House has pointed out “Authoritarianism in the non-Baltic former Soviet States continues to solidify.”⁶⁶⁾ When observation occurs in these nations the domestic impact is often somewhat limited, primarily as the result of strong media control and general government indifference to external criticism.

⁶⁴⁾ Schedler (Ed.), 2006 and Bunce, McFaul and Stoner, 2009

⁶⁵⁾ Schedler, 2006, p. 3

⁶⁶⁾ Freedom House, 2009, p. 28

Whilst we have seen the spread of election observers to consolidated democracies in recent years, one of the other, more puzzling, developments has been the spread of election observation to more autocratic states that quite openly cheat in their elections. Therefore one has to question why these countries, knowing they are opening themselves up to international criticism, invite international observers to monitor their fraudulent elections. As one academic has framed the issue:

“Given the potential costs associated with inviting observers and being internationally condemned for election fraud, the fact that so many leaders of sovereign states continue to invite international observers presents an empirical puzzle.”⁶⁷⁾

Given the existence of this puzzle it is worth briefly looking at the issue of autocracies and the idea of electoral authoritarianism so we can seek to address this question.

Whilst more countries have become democratic (more or less) in recent years “new variants of autocracy have emerged in several states that emerged from the USSR’s dissolution, where autocrats still calling their regimes communist remain in China Vietnam and Cuba. Yet, in all of these dictatorships, those in power no longer champion a form of government alternative to democracy. Rather they claim either that their regimes are already democratic even if they are not (Russia), or that they are moving their countries step by step to democracy (China).”⁶⁸⁾

Why autocrats invite observers?

So given the continued existence of these so-called electoral authoritarian states it is worth asking why they continue to invite international observers to monitor their elections. After all, recent years have yielded a number of examples where highly critical observation reports have helped to end a number of such regimes – take Georgia and Ukraine as key examples.

One potential explanation is the idea of aid conditionality. As democracy and democratic ideals have cemented their position as the dominant, if not pre-eminent political model throughout the world, countries engaged in foreign aid have placed conditions on much of their output. For those struggling countries wishing to demonstrate some form of commitment to democracy there is much to gain – whether in development assistance, military aid, or expanded trade relationships. At the same time we must note that election observation has spread rapidly throughout the world to such an extent that it has become

⁶⁷⁾ Hyde, 2011b, p. 356

⁶⁸⁾ Bunce, McFaul and Stoner, 2009, p. 21

virtually the accepted norm. So much so, that the simple denial of an invitation to international observers results in states being labelled anti-democratic. As Susan Hyde has written: “Logically, if democracy promoters believe that all true-democrats invite international observers, any non-inviting incumbent must be a pseudo-democrat.”⁶⁹⁾

Therefore, if an electoral authoritarian state has any hope of securing any kind of benefit from democracy promoting states then they must at least invite observers to monitor their elections, to provide at least a façade of democratic norms. Of course the mere fact that a country invites observers does not mean that they are pre-judged as democratic, but without them the implication is clear throughout the international community. Or as Judith Kelley has put it:

“For a cheating incumbent, the decision to invite observers, this came to depend on whether the expected benefit of a possible endorsement by the monitors would warrant the risk of documented and overt criticism.”⁷⁰⁾

Until ODIHR began observing in consolidated democracies (albeit in a limited fashion) the bulk of their observation work was (and still is) focused on these electoral authoritative states. The process is costly and demanding in personnel numbers, but it is deemed necessary, indeed obligatory. This further poses the question “why bother?” What actually does election observation achieve in these entrenched autocracies?

There have been notable occasions where such governments have been ousted through ODIHR observed elections, notably Georgia and Ukraine (2003–4). It would be wrong to attribute the emergence of democratic movements in these countries to simply a highly critical international report. There clearly numerous other factors, but in our view without a very strong critical report followed by even more critical comments by the Parliamentary representatives it is unclear whether the corrupt regimes would have been overturned. There are numerous occasions cited in Latin and Central America where strong reports led to a change of government. Perhaps the development of new media giving citizens access to critical reports may lead to greater democracy, human rights, good governance etc, than might have been possible previously when media access was limited.

Collapsed and failing states

A number of states that have endured such crises have ultimately collapsed. There are a number of others that are perilously close to that sad condition that they would be called

⁶⁹⁾ Hyde, 2011b, p. 359

⁷⁰⁾ Kelley, 2008, p. 231

failing states. The international community has tried with some limited success to assist in reconstruction, indeed recreation of a viable state. The United Nations, the European Union, the United States and others have been deeply involved throughout the world in this process, not all, it must be admitted, have been unqualified successes. Europe has been active in seeking to rebuild, including democratizing, Albania, Sierra Leone, Macedonia, the Ivory Coast, the Democratic Republic of the Congo, Bosnia and the Balkans. Part of the nation-building process involves elections, although there has been a debate on whether they should be held early or late in the rebuilding process with some academics arguing rushing to hold elections early in the rebuilding phase can harm the long term prospects for rebuilding.⁷¹⁾

Marina Ottaway has analysed the range of political actions taken by countries and organisations to rebuild collapsed states. This includes the “amending or rewriting constitutions, developing new election laws, developing an election infrastructure, establishing a national election commission and organizing an election monitoring system with the participation of civil society organisations, both to build confidence and monitor the results.”⁷²⁾ Related to post-conflict reconstruction is of course conflict prevention, an area that the OSCE has been deeply engaged in. As one recent book put it “the OSCE is considered by some as the regional organisation with the most advanced conflict prevention mechanisms” one of which is identified as election observation.⁷³⁾

Diffusion

Academics are writing about ‘diffusion’ where developments spread across borders and into nearby states. But in reality it’s quite hard to predict which proximate countries are attracted to democracy or authoritarianism. It’s pretty clear that at this time that democracy is not attractive in Central Asia, but one could have said as recently as a few months ago that authoritarian Muslim governments or monarchies are not attracted to Western style democracy. What is too early to predict is how extensive the ‘revolution’ will be in North Africa and the Middle East, or if there is substantial change will it be a form of Muslim democracy such as that seen in Turkey, or a revolutionary variety rabidly hostile to Western democracy.

⁷¹⁾ Useful texts on this subject include “*Europe’s Role in Nation Building: From the Balkans to the Congo*”, 2008 (RAND), “*America’s Role in Nation Building: From Germany to Iraq*”, 2008 (RAND) and “*The UN’s Role in Nation Building: From Congo to Iraq*”, 2008 (RAND)

⁷²⁾ Ottaway, 2002, p. 250

⁷³⁾ Schnabel and Carment, 2004, p. 167

Lucan Way poses the question why did the third wave of post communist transition sweep away some autocrats but leave others untouched.⁷⁴⁾ He further asked why there is such “resistance to contagion in parts of the former Soviet Union, where there are several strong pillars of a stable authoritarianism.”⁷⁵⁾

Electoral commissions complicit in fraud?

In these countries (and many others) election management bodies are increasingly complicit in electoral fraud. Elections provide unrivalled opportunities for fraud and corruption. Fortunately, in Europe ACEEEO has been promoting and professionalizing democratic procedures in electoral management bodies.

There are comparable organisations around the world. Whilst ACEEEO identifies seven types of management bodies, International IDEA narrows it down to just three. These bodies are often the epicentre of fraud and corruption, or to put it more politely electoral malpractice. At the same time it is also quite possible to have corrupt elections but a reasonably ethical electoral administrative body. ODIHR for example complimented Mr. Veshnyakov, the Chairman of the Russian electoral commission in 2004, even though the election as a whole was highly criticized. Although ODIHR has a specific member of staff monitoring electoral commissions, it is patently obvious that election malpractice is very hard to detect as Susan Hyde has written extensively about.⁷⁶⁾

What is reassuring, however, is to note that a large number of such regimes collapse, often as a result of the unimaginable happening – losing elections that they tried to rig, including those in Peru, Mexico, Serbia, Georgia and Ukraine in 2003/4. Unfortunately however, what was the status quo for decades has begun to creep back in for a number of countries. We only have to look at what is currently happening in the Middle East and North Africa to see the potential for further collapses, and who knows what will happen with these states. These anti-government movements across the region could ultimately result in more democratic governments or they could simply replace autocracies with new autocracies. The excellent book by Schedler (2008) has contributing chapters on how they collapse and conversely ways in which they don't and most importantly how observers can assess electoral manipulation by these regimes.

⁷⁴⁾ Bunce, McFaul and Stoner (Eds.), 2009, p. 229

⁷⁵⁾ Ibid., p. 229

⁷⁶⁾ Alvarez, Hall and Hyde (Eds.), 2008

Interim reports

Another development that is positive and improves the effectiveness of election observation is the greater use of what ODIHR called 'Interim Reports'. By this, of course we mean the production of reports on the elections as they unfold during the pre-election period. It is our belief that the use of interim reports aids the transparency of the observation mission and also helps fire a warning shot to the current government that ODIHR is aware of problems. If these reports are issued early enough they can help to prevent or minimise electoral fraud and allow the will of the people to be freely advocated.

Common observation standards

One of the major developments, perhaps even the most significant development in the last couple of years was the signing at the UN of the 'Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers'⁷⁷⁾ in 2005. The declaration was the result of a number of years work between the NDI, Carter Center and the UNs Electoral Assistance Division and was hoped to support the credibility and integrity of international observation.

For a number of years there have been calls for the introduction of something similar in an effort to harmonize observation efforts and establish common accepted standards across the field. Thomas Carothers noted as early as 1997 that efforts "to establish a code of conduct for election observers may help solidify basic professional standards."⁷⁸⁾ As former US President Jimmy Carter said at the signing ceremony "Our hope is that the declaration will enable consistency among observer groups and ensure the effectiveness and credibility of observation missions worldwide."⁷⁹⁾ It was an extremely positive sign that when the declaration was signed most of the major international election observation groups, including ODIHR, EU, OAS, NDI, IRI, were signatories. Unfortunately, the OSCE PA didn't feel it necessary to attend the ceremony or sign up to the declaration.

But it is not just this one document that should be considered. There are a number of international standards for elections which have been accepted by a very large number of international and regional organisations such as the OSCE, the EU, African Union, Organisation of American States, and even the Commonwealth of Independent States⁸⁰⁾.

⁷⁷⁾ International IDEA, 2005

⁷⁸⁾ Carothers, 1997, p. 30

⁷⁹⁾ Carter Center, 2005

⁸⁰⁾ The EU has produced a Compendium of International Standards for Elections that is currently in its second edition. It lists a large number of national and international standards including the AU's *African Charter on Democracy, Elections and Governance*, the CIS' *Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms*, and the EU's *Charter of Fundamental Rights*

Certainly many such organisations are also committed to international standards on election observation. Many of these organisations signed up to the Declaration of Principles for International Election Observation at the UN a few years ago. Unfortunately, these standards are not universally applied, indeed there are some international organisations that endorse the antithesis and observe elections by very different standards than those they have signed up to.

We are convinced that the OSCE/ODIHR and the EU set the international standards benchmark and that there are very many NGOs and think-tanks around the world that achieve the very highest standards of democracy promotion, electoral support and election observation. While some progress is being made by various regional organisations such as ECOWAS and the SADC Parliamentary Forum, it is true that some still have a lot of catching up to do. For example the African Union, which has been the focus of much foreign aid of late, still has a long way to go to meet international professional standards. We don't wish to disparage them but we cannot claim that all those groups that signed up to the international standards for election observation are currently meeting those standards.

Domestic observers

In our experience, in the past there has been a reticence by some international observers to publicly engage with domestic observers. This is despite the argument that “domestic groups, rather than foreigners, have the most potential to make a significant, sustainable contribution to democratic transitions.”⁸¹⁾ Thankfully this is no longer the case. We believe that credible domestic observer groups, which are increasingly numerous, have so much to offer their international counterparts. They often come with large numbers and many have undergone a form of training. Whereas international observers can spend a short time in a polling station, domestic observers can have staff there all day and at the count, and can also follow the boxes to the count if necessary.

Of course undemocratic governments can dismiss local observers as biased and part of the opposition. We have seen over the years some superb NGOs and delighted now that there has emerged much closer cooperation between these groups in the form of coalition groups such as the Global Network of Domestic Election Monitors⁸²⁾ (GNDEM) which boasts over 140 member organisations from over 60 countries on five continents. One of GNDEM's goals is to advance the methodologies for systemic fact based election monitoring and to advance the capacities of regional networks. One such regional network is the excellent European Network of Election Monitoring Organisations (ENEMO)

⁸¹⁾ Bjornlund, 2004, p. 13

⁸²⁾ Global Network of Domestic Election Monitors <http://gndem.org>

⁸³⁾ To further these aims, and supported by the National Endowment for Democracy and USAID (amongst others), GNDEM has created the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organisations ⁸⁴⁾. This is just one major example of growing cooperation between international organisations and domestic observers. We believe there is room for further cooperation and we hope that ODIHR and other such organisations continue to work with these groups to increase their capacity and professionalism.

Such is the growing sophistication that those who believe that these domestic groups can replace external observation may actually be moving closer to that aspiration. However, we strongly suspect that international observation will survive and that cooperative activities will be maintained to reach a common objective.

Technology

One development that hasn't perhaps been met with equal success has been what we might call the arms race in electoral technology between the governmental fraudsters and the observation groups in the detection of such fraud. Observer groups' use of technology to detect fraud has moved well beyond simple parallel vote tabulation methods, however, corrupt countries are continuing to use new technology more and more and tackling this issue remains a major challenge that hasn't yet been fully addressed. One former senior official at ODIHR recently argued that more needed to be done to improve the response to technological electoral fraud. "The emergence of new issues for observation missions raises the question of the development of new standards of keep pace with changing technology."⁸⁵⁾

2.5 Improvements still needed?

Of course, despite the fact that there have been a number of positive developments in recent years, election observation has attracted a number of criticisms as it has grown. There has been a proliferation of excellent academic and institutional research on democratization and a growing analysis of election observation and they can offer a

⁸³⁾ European Network of Election Monitoring Organisations <http://www.enemo.eu>

⁸⁴⁾ GNDEM <http://www.gndem.org>

⁸⁵⁾ Eicher, 2009, p. 273

number of ways in which observation can improve. And it is vital that observation missions improve because as Bjornlund has pointed out “policymakers, journalists, scholars and others often support or rely on the assessments of election observers”⁸⁶⁾, it is therefore the duty of those undertaking the election observation to ensure their missions meet the highest standards and provide accurate assessments of the electoral processes.

Crowded out by amateurs?

Thomas Carothers has perhaps written more than most on the issue of democracy promotion and election observation. As early as 1997 he was already identifying some key difficulties. He denounced the fact that the field was becoming too crowded with amateurs who were dragging down the overall standards of observation.

“Election observation has attracted too many groups, many of whom do amateurish work [...] their observers often behave in embarrassingly unprofessional, patronizing ways [...] and they usually make hasty post election statements that divert attention from the more important reports issued by the organisations with more experience and a longer-term presence.”⁸⁷⁾

With election monitoring having grown significantly since Carothers was commenting, this criticism is perhaps even more relevant today. Furthermore Carothers criticized the fact that too many foreign observers were too deeply polarized to cooperate, and that simply the sheer number of groups present was too much. He noted the 1996 example in Nicaragua where over 80 different groups were present. Like a number of academics he has also criticised methodological imperfections, the endorsement of fraudulent elections and the occasional lenience of observers towards friendlier nations.

While no one would question the presence of these excellent organisations, as a number of academics have pointed out the field is crowded with plenty of amateurs, whose very presence can have a negative impact. In the 2004 repeated election in Ukraine there were hundreds of Canadian/Ukrainians allegedly observing the process, but in our view lacking the fundamental principle of observation namely impartiality. We don't want to denounce all smaller observation groups, but numbers simply do not create effective observation. Just because a group can send hundreds of observers doesn't mean they will produce a fair report.

ODIHR and the EU would be well aware of who the reliable international organisations and non-governmental observation groups were, so therefore one must question whether greater coordination amongst these groups is desirable. Where there are too many groups

⁸⁶⁾ Bjornlund, 2004, p. 305

⁸⁷⁾ Carothers, 1997, p.20

producing in some cases wildly varying reports, increased coordination between these groups and even coordination in their reports would make it harder for corrupt governments to pick and choose which bits of which report they accept.

ODIHR

In terms of ODIHR, much depends on the authority given by OSCE to observation, principally the Copenhagen Agreement. ODIHR has shown over the years a very high degree of professionalism in terms of its Core Team and its leadership, and the very high quality of its LTOs and STOs. ODIHR has been more than prepared to adapt and not to feel a sense of complacency. It's not all waving flags in support of an election, following a report. If it's critical, the criticized government will offer its opposition as will other smaller observation groups whose views differ from those of ODIHR.

There have been a small number of cases where the Parliamentary Delegations have dissented publicly during the press conference. We are more than aware of occasions when the report had to be extensively modified to the detriment of the report as a consequence of a Spanish head of delegation vetoing the report unless it was amended. He had his own political agenda. The consequence was a diluted report which journalists laughed at when it was delivered and a demonstration by Polish observers outside ODIHR's offices wearing black glasses and carrying white sticks. A number of academics have been critical of reports by a whole range of international observation missions including ODIHR, although we suspect ODIHR provides less opportunity for high criticism.

Whilst ODIHR and other international observation organisations have had to update and adapt in recent years to cope with the increased use of observation missions, there is still much that could be done to improve observation. We will list some ways we hope ODIHR will consider reforming further. Some of these are based on our own personal experiences and of those from experienced personnel within the OSCE system; others reflect the thoughts of other more external sources which are equally valid. While these are directed specifically at ODIHR and OSCE, the lessons will apply across much of the observation field.

The need for observer training

Is there more scope for training, especially for Parliamentary observers? We sometimes laugh at the defence of untrained members of Parliament, for which the mere act of having won their own elections is argued as qualification enough to make judgments on others election standards. George speaks as someone who was witnessed firsthand the limits of Parliamentary observation and as a parliamentarian himself.

The vast majority of MPs that participate on observation missions arrive in country just a few days before with no training whatsoever, often the only preparation they have is from the briefing sessions arranged in-country. Yet George was always gravely irritated when these preparatory sessions organized by ODIHR were badly attended by the MPs. On a number of occasions he actually kept score of the attendance figures on an hourly basis and how those numbers fell substantially. We would strongly advise governments and parliaments sending their observers to distinguish between those who are qualified or seriously wish to observe and to save themselves a lot of money by stopping the other less serious potential attendees participating.

Some observation missions to interesting countries are immensely attractive to what some have called electoral tourists. We would hope that those organisations sending delegations try to ensure that those chosen remain independent and ignore any political preference they may bring them. While even basic training would be costly, it would serve to greatly improve the collective group of observers if they all had some shared training and knowledge. We must point, however, that we have met many Parliamentary observers who bring a great deal to the election observation by their past experience of observation and the accumulation of knowledge that comes with it. These are the parliamentary observers that are often diligent in attending the briefings arranged by ODIHR.

However, in all fairness, it is not just the short-term Parliamentary observers that are often lacking the training when they are deployed on observation missions. It is also true that training for Long Term Observers is also patchy. Peter Eicher, a former Deputy Director of ODIHR, recently highlighted the issue of LTO training as one area he could see some real potential for further improvements in ODIHR's methodology. He argued "It would not be unreasonable – and might greatly improve the effectiveness of LTOs as a group – for the ODIHR to require a training course for all LTOs before their deployment."⁸⁸⁾

The idea that LTOs can be deployed for significant periods of time without any common training seems remarkable. And the model for training already exists – the EU requires LTOs to be trained as part of their NEEDS programme. We were lucky enough to sit in on a day of the training course a few years ago when it was being run by a UK NGO called ERIS who do excellent work in the field of election observation. ODIHR and other organisations could learn much from the EU example in this case. If all LTOs from varying organisations received training it would greatly improved the resulting observation. Furthermore, Eicher called for "the system (of selecting LTOs) could be improved [...] if the ODIHR were to institute a set of required criteria for service as an LTO."⁸⁹⁾

⁸⁸⁾ Eicher, 2009, p. 274

⁸⁹⁾ *Ibid.*, p. 274

Long term observation

Much of the external criticism of election observation alleges that the reports are too orientated towards the election day and not what comes before. As one observer has commented such an emphasis can mean “international observation can be dangerously superficial.”⁹⁰⁾ Generally, however, that has not been our experience recently with a greater emphasis on the pre-election period. In many countries it is no longer necessary to cheat extensively on polling day to steal an election as the goal has been achieved before any ballot has even been cast. Elections are now elongated in time and what is obvious to us is that serious organisations have access to information, much of it derived from Embassies, NGOs that are based within the country – whether they are OSCE, EU missions, international NGOs etc.

The serious observation groups have been more than aware for some time of the fact that the key to observation lies in the long pre-election period, not on the election day, and they therefore have to have sufficient numbers of staff to monitor and comprehend what is being done that does not meet international standards. Many of the most common allegations of electoral malpractice such as the abuse of administrative resources, voter intimidation, the media environment, occur not on the election day but in the preceding weeks, months and years.

While the general trend towards Long Term Observation is to be welcomed, it could go further still and sponsoring organisations could even further quip their missions to focus on the long-term where the majority of modern electoral fraud actually occurs. Or as Eicher has put it “the long-term components of observation missions [...] could have enhanced effectiveness if they were quipped and staffed to look more deeply into a larger number of electoral issues.”⁹¹⁾ Related to this, we would personally like to see earlier visits to countries whose elections are to be assessed so a fuller picture can be gathered of the pre-election environment.

Post-Election statement

One area that has also attracted criticism is the initial statement issued the day after the election, often before the actual results have even been announced. We can understand why the statement is announced early in the afternoon, but in doing so it can appear (and indeed is sometimes the case) that there has been insufficient time to obtain the adequate information on the electoral process let alone enough time to professionally analyse it.

⁹⁰⁾ Bjornlund, 2004, p.13

⁹¹⁾ Eicher, 2009, p. 273

This is obviously done to satisfy the media's short term attention span and appetite for a quick story, but it is also a means to facilitate a quick get away by the Parliamentarians who are frequently booked on the first flight out of town. But it is not just the parliamentarians who leave quickly, even the long-term election observation missions shut up shop not long after the election leaving behind a solitary figure who will write the long final report without any parliamentary inputs or interventions. However, by the time that report is written and publicized the new (or incumbent) government has usually been installed for a number of weeks and the media interest has disappeared so the impact of the report is minimal. But there are so many instances now where the election observers should be more present in order to analyse the post-election developments.

Therefore, some believe there needs to be a reduced emphasis on the initial statement and less of a concern about the medias demand for a story so that the more rounded and analytically accurate report can become the focus. ODIHR is sometimes criticized by journalists for "changing its mind," with perhaps a positive report becoming more negative, or perhaps it is the Parliamentarians during the press conference expressing more personal views than those agreed in the report. It is more likely that the so-called differences are based on a more sophisticated analysis when more information comes to light post-election. A reduced emphasis on the interim statement would help to reduce this potential criticism.

Electoral cycle and follow up

Closely related to this issue is the strong need for follow up to the election reports. What we're talking about is what others have referred to as the electoral cycle. Elections are a protracted process that begins much earlier than the election day and do not fully end until a long time after. Yet observers are only present for a short section of this time and without adequate follow up by ODIHR the same issues can up again and again at each new election cycle. As Peter Eicher has highlighted:

"Amongst the greatest weaknesses of election observation is the absence of systematic, effective follow up to the recommendations of election observation missions."⁹²⁾

By implementing a system of follow up to observation reports this would increase pressure on those governments that have serious problems with their elections and would help to ensure that changes are made before the next electoral cycle gets underway. This is something the British government has recently acknowledged by urging the international

⁹²⁾ Eicher, 2009, p. 275

community to “be more consistent about following up recommendations in election reports.”⁹³⁾

Peter Eicher said that “the future of election observation in the OSCE region remains uncertain [...] as a result of new problems and challenges that have emerged since then [...] there is room for continuing improvements in observation methodologies, as well as other steps that would enhance the scope and impact of election observation and ensure that it remains relevant.”⁹⁴⁾

2.6 Conclusion

As we have seen there is no end point to the methodology, actions and processes of honest professional election observation organisations. It is a constantly evolving process and one that should be regularly reviewed and amended. To ensure that observation meets the highest standards and can effectively identify methods of electoral malpractice observation organisations need to be constantly striving for improvements. Publications such as this will hopefully assist election observation organisations in their continuing efforts to evaluate their mode of operations and continue to improve. Furthermore, it is our hope that this publication will help stimulate further academic debate and study into the field of election observation.

2.7 Literature

Alvarez, R. M., Hall, T. E., and S.D. Hyde (2008). *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington, D.C.: Brookings Institution Press.

BBC News (2005). *Postal Votes 'Wide Open to Fraud'*. Retrieved March 17, 2011 from http://news.bbc.co.uk/1/hi/uk_politics/4408101.stm

⁹³⁾ DFID, 2010a, p. 28

⁹⁴⁾ Eicher, 2009, p. 275

- Bjornlund, E. (2004). *Beyond Free and Fair: Monitoring Elections and Building Democracy*. Washington, D.C.: Woodrow Wilson Center Press.
- Bensel, R.F. (2004). *The American Ballot Box in the Mid-Nineteenth Century*. Cambridge: Cambridge University Press.
- Bunce, V., McFaul, M., and K. Stoner (Eds.). (2009). *Democracy and Authoritarianism in the Postcommunist World*. New York: Cambridge University Press.
- Burnell, P. and P. Calvert (2005). 'Promoting Democracy Abroad'. *Democratization*, 12(4): 433–438.
- Calingaert, D. (2006). 'Election Rigging and How to Fight it'. *Journal of Democracy*, 17(3): 138–151.
- Campbell, T. (2006). *Deliver the Vote: A History of Electoral Fraud, An American Political Tradition 1742–2004*. Basic Books.
- Carothers, T. (1997). 'The Observers Observed'. *Journal of Democracy*, 8(3): 17–31.
- Carothers, T. (2009). 'Democracy Assistance: Political vs. Developmental?'. *Journal of Democracy*, 20(1), 5–19.
- Carothers, T., Elshain, J.B., Diamond, L., Ibrahim, A. and Z.H. Bangura (2007). 'A Quarter Century of Promoting Democracy'. *Journal of Democracy*, 18(4), 112–126.
- Carter Center (2005). *Jimmy Carter, Carter Center Endorse International Election Observation Declaration*. Retrieved March 30, 2011 from <http://www.cartercenter.org/news/documents/doc2233.html>
- Carter Center (2006). *Building Consensus on Principles for International Election Observation*. Retrieved March 28, 2011 from http://www.cartercenter.org/documents/CC%20Elec%20Standards%20G_final.pdf
- Council of Europe PA (2007). *Application to initiate a monitoring procedure to investigate electoral fraud in the United Kingdom*. Retrieved March 30, 2011 from http://www.assembly.coe.int/CommitteeDocs/2008/electoral_fraud_UK_E.pdf
- Darnolf, S. (2011). *International Election Support: Helping or Hindering Democratic Elections?* Paper presented at the IPSA-ECPR Joint Conference, February 16 – 19, 2011, Sao Paulo, Brazil.

Retrieved April 3, 2011 from http://www.ifes.org/Content/Publications/White-Papers/2011/~media/Files/Publications/White%20PaperReport/2011/IPSA_conference_paper_darnolf.pdf

Democracy Coalition (2000). UN Secretary General Kofi Annan's Closing Remarks to the *Ministerial, Warsaw, Poland, June 27, 2000*. Retrieved April 1, 2011 from http://www.demcoalition.org/pdf/un_secetary_gen_kofi_annan.pdf

DFID (2010a). *Electoral Assistance and Politics: Lessons for International Support*. Retrieved April 10, 2011 from <http://www.dfid.gov.uk/Documents/publications1/elections/elect-asst-pol-issns-int-supp.pdf>

DFID/FCO (2010b). *How to note: On Electoral Assistance*. Retrieved March 15, 2011 from <http://www.dfid.gov.uk/Documents/publications1/elections/how-to-on-elect-asst.pdf>

Diamond, L. (2008). 'The Democratic Rollback: The Resurgence of the Predatory State'. *Foreign Affairs*, 87(2), 36–48.

Economist Intelligence Unit. (2010). *Democracy Index 2010: Democracy in Retreat*. Retrieved April 5, 2011 from http://graphics.eiu.com/PDF/Democracy_Index_2010_web.pdf

Eicher, P. (2009). 'Improving OSCE Election Observation'. *Security and Human Rights Journal*, 20(4), 264–276.

Elklit, J. and P. Svensson (1997). 'What Makes Elections Free and Fair?'. *Journal of Democracy*, 8(3), 32–46.

European Commission. (2006). *Methodological Guide on Electoral Assistance*. Retrieved March 15, 2011 from http://ec.europa.eu/europeaid/multimedia/publications/documents/thematic/ec_methodological_guide_on_electoral_assistance_en.pdf

European Parliament. (2010). *Election Observation Delegation to the Presidential Elections in Ukraine*. Retrieved March 27, 2011 from http://www.europarl.europa.eu/intcoop/election_observation/missions/2009-2014/20100117ukraine.pdf

Fawn, R. (2006). 'Battle Over the Box: International Election Observation Missions, Political Competition and Retrenchment in the Post-Soviet Space'. *International Affairs*, 82(6): 1133–1153.

Freedom House (2009). *Nations in Transit 2009*.

Freedom House (2011a). *Freedom in the World 2011*.

Freedom House (2011b). *Freedom in the World – Electoral Democracies*. Historical Statistics. Retrieved March 29, 2011 from <http://www.freedomhouse.org/images/File/fiw/historical/ElectoralDemocracyNumbersFIW1989–2011.pdf>

Fukuyama, F. (2011). *The Origins of Political Order: From Prehuman Times to the French Revolution*. London: Profile Books.

Fund, J. (2004). *Stealing Elections: How Voter Fraud Threatens Our Democracy*. San Francisco: Encounter Books.

Garber, L. and E. Bjornlund (Eds.). (1992). *The New Democratic Frontier: A Country by Country Report on Elections in Central and Eastern Europe*. Washington, D.C.: The National Democratic Institute for International Affairs.

Gershman, C. and M. Allen (2006). 'The Assault on Democracy Assistance'. *Journal of Democracy*, 17(2): 36–51.

Gumbel, A. (2005). *Steal This Vote: Dirty Elections and the Rotten History of Democracy in America*. New York: Nation Books.

Huntington, S.P. (1991). *The Third Wave of Democratisation in the Late Twentieth Century*. Norman, OK: University of Oklahoma Press.

Hyde, S.D. (2007). 'The Observer Effect in International Politics'. *World Politics*, 60(1): 37–63.

Hyde, S.D. (2011a). *The Pseudo-Democrat's Dilemma: Why Election Monitoring Became an International Norm*. Ithaca, N.Y.: Cornell University Press.

Hyde, S. D. (2011b). 'Catch Us if You Can: Election Monitoring and International Norm Diffusion'. *American Journal of Political Science*, 55 (2): 356–369.

International IDEA (2005). *Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers*. Retrieved March 17, 2011 from http://www.idea.int/publications/other/upload/dec_obs_coc.pdf

Joshi, S. (2011) 'The Fourth Wave? Democracy in Egypt'. *Royal United Services Institute*. Commentary. Retrieved March 29, 2011 from <http://www.rusi.org/analysis/commentary/ref:C4D59406F17652/>

Kelley, J. (2008). 'Assessing the Complex Evolution of Norms: The Rise of International Election Monitoring'. *International Organisation*, 62(2), 221–255.

Kelley, J. (2009). 'D-Minus Elections: The Politics and Norms of International Election Observation'. *International Organisation*, 63(4), 765–787.

Kelley, J. (2010). 'Election Observers and their Biases'. *Journal of Democracy*, 21(3): 158–172.

Kelley, J. (2012). *Monitoring Democracy: When international election observation works and why it often fails*. Princeton University Press.

McFaul, M. (2004). 'Democracy Promotion as a World Value'. *The Washington Quarterly*, 28(1), 147–163.

Middlebrook, K. J. (Ed.). (1998). *Election Observation and Democratic Transitions in Latin America*. La Jolla: Center for U.S.-Mexican Studies, University of California, San Diego.

ODIHR (2003a). *Final Report of Russian State Duma Elections*. Retrieved March 16, 2011 from <http://www.osce.org/odihr/elections/russia/21482>

ODIHR (2003b). *Final Report of Georgia Parliamentary Elections*. Retrieved March 29, 2011 from <http://www.osce.org/odihr/elections/georgia/22206>

ODIHR (2004a). *Final Report of Ukrainian Presidential Election*. Retrieved March 29, 2011 from <http://www.osce.org/odihr/elections/ukraine/14674>

ODIHR (2004b). *Final Report of Russian Presidential Election*. Retrieved April 1, 2011 from <http://www.osce.org/odihr/elections/russia/33101>

ODIHR (2005). *Election Observation – A Decade of Monitoring Elections: the People and the Practise*. Retrieved March 12, 2011 from <http://www.osce.org/odihr/elections/17165>.

ODIHR (2009). *Final Report into 2009 Kyrgyzstan Presidential Election*. Retrieved March 8, 2011 from <http://www.osce.org/odihr/elections/kyrgyzstan/39923>

ODIHR (2010). *United Kingdom Election Assessment Mission Report*. Retrieved March 26, 2011 from <http://www.osce.org/odihr/elections/69072>

ODIHR (2011). *Preliminary Statement on Kazakhstan Presidential Election*. Retrieved March 19, 2011 from <http://www.osce.org/odihr/76345>

- OSCE PA (2007). *Russia Parliamentary Elections Statement*. Retrieved March 9, 2011 from http://www.oscepa.org/images/stories/documents/election_observation/2007-12-02_-_russia_parliamentary_elections_statement.pdf
- Ottaway, M. (2002). Rebuilding State Institutions in Collapsed States. In J. Milliken (Ed.), *State Failure, Collapse and Reconstruction*. Oxford [etc.]: Blackwell Publishing, 245–266.
- Overton, S. (2006). *Stealing Democracy: The Politics of Voter Suppression*. New York: W.W. Norton Press.
- Page, J. (2005). British Team Accused of Kazakh Poll Whitewash. *The Times*. Retrieved April 2, 2011 from <http://www.timesonline.co.uk/tol/news/world/article746143.ece>
- Peterson, J. and F.-X. de Donnea (2006). *Mechanisms for Election Observation*. Retrieved April 2, 2011 from <http://www.dedonnea.irisnet.be/pdf/conclusion.pdf>
- Peuch, J.-C. (2007). Moscow Targets Vote Monitors in Bid to Overhaul OSCE. *Radio Free Europe*. Retrieved April 1, 2011 from <http://www.rferl.org/content/article/1079077.html>
- Raymond, A. and I. Spiegelman (2008). *How to Rig an Election: Confessions of a Republican Operative*. New York: Simon & Schuster.
- Regalia, M. (2009). 'European Union Election Observation Missions: How to Assess Effectiveness?' *Italian Society for Political Science*. Retrieved March 16, 2011 from <http://www.sisp.it/files/papers/2009/marta-regalia-505.pdf>
- Rianovosti (2009). *CIS observers say Kyrgyz presidential elections 'open and free'*. Retrieved March 17, 2011 from <http://en.rian.ru/world/20090724/155605696.html>
- Richard, P.B. and J.A. Booth (1992, September). 'Election Observation and Democratization: Reflections on the Nicaragua Case'. Paper Presented at the XVII International Congress of the Latin American Studies Association, Los Angeles, September 24–27, 1992.
- Schedler, A. (Ed.). (2006). *Electoral Authoritarianism: The Dynamics of Unfree Competition*. Boulder and London: Lynne Rienner Publishers.
- Schnabel, A. and D. Carment (Eds.). (2004). *Conflict Prevention from Rhetoric to Reality*. Lanham, MD: Lexington Books.

Scott, J. and C.A. Steele (2005). 'Assisting Democrats or Resisting Dictators? The Nature and Impact of Democracy Support by the United States National Endowment for Democracy, 1990–1999' *Democratization*, 12(4): 439–460.

Seligson, M.A. and J.A. Booth (Eds.). (1995). *Elections and Democracy in Central America*. Chapel Hill, NC: University of North Carolina Press.

Supreme Court of the United States (2010). *Citizens United vs. Federal Election Commission*. Appeal from the United States District Court for the district of Columbia. Retrieved March 29, 2011 from http://www.fec.gov/law/litigation/cu_sco8_opinion.pdf.

UNDP (2007). *Electoral Assistance Implementation Guide*. Retrieved April 6, 2011 from <http://www.undp.org/governance/docs/UNDP-Electoral-Assistance-Implementation-Guide.pdf>

Waterfield, B. (2011). Hungarian President Rejects Criticism of Media Law. *The Telegraph*. Retrieved March 20, 2011 from <http://www.telegraph.co.uk/news/worldnews/europe/hungary/8243972/Hungarian-president-rejects-criticism-of-media-law.html>

Wilson, A. (2005). *Virtual Politics: Faking Democracy in the Post Soviet World*. New Haven and London: Yale University Press.

Youngs, R. (2008). 'Trends in Democracy Assistance: What Has Europe Been Doing?'. *Journal of Democracy*, 19(2), 160–169.

History and
mandate of
election
observation:
the OSCE/ODIHR
experience

3

History and mandate of election observation: the OSCE/ODIHR experience

- 3.1** First Election Observation Missions
- 3.2** OSCE/ODIHR long-term Election Observation Missions
- 3.3** The 1996 Albanian Parliamentary Elections
- 3.4** The 1996 Armenian Presidential Elections
- 3.5** The change in the mandate
- 3.6** Cooperation agreement with OSCE Parliamentary Assembly
- 3.7** ODIHR's activities in delivering its mandate
- 3.8** Dialogue with the Russian Federation
- 3.9** Sensitivity of election observation

3 History and mandate of election observation: the OSCE/ODIHR experience

Gerald Mitchell

3.1 First Election Observation Missions

In some ways it is an irony to speak about the history of election observation, as it is still a young activity in the sense of a structured and methodologically driven exercise. However, the concept of election observation actually has a longer history – the first reported and often cited example is from 1857 when French, British, Prussian, Russian, Austrian and Turkish representatives were present during a plebiscite in Moldavia and Wallachia. The post-World War II era provided more examples, for example the United Nations was asked to monitor elections in Korea and Germany, and in the 1950s, 60s and 70s there are some 30 examples of UN observation and monitoring type activities mostly by the Trusteeship Council in the context of de-colonization.

However, the so-called “second generation” of election observation over the last two decades has really defined this activity. The UN has largely looked to regional organizations and international non-governmental organizations to take the mantle of election observation forward. This has been achieved through the introduction of structured methodologies capable of producing authoritative and in-depth assessments of the various stages and dimensions of an election process, and the commensurate commitment by relevant organizations to provide the human and financial resources necessary to sustain long-term and comprehensive election observation. In this sense, the speed at which international election observation has become a pillar of democracy promotion initiatives – and in fact a feature in international relations – during the past two decades

is indeed impressive. This development was of course spurred on by profound political transition as a result of the end of the Cold War, and the growing global consensus on the value of democratic governance.

Election observation reports from different organizations can highlight differences in political values, and has led to some attempts to create alternative rules and practices for election observation. While there are some examples that represent a diverse approach to election observation – for reasons of respective mandates, organizational or political reasons – there has been a growing consensus on best practice methodology for credible election observation. This is perhaps best exemplified by the UN sponsored Declaration of Principles for International Election Observation commemorated at the UN in 2005 and passed by the General Assembly in 2009 – which outlines a consensus on a set of principles for credible international election observation.

3.2 OSCE/ODIHR long-term Election Observation Missions

I would like to focus the thrust of my comments on developments in the last decade and a half, and a convergence of events that forged election observation into the activity as we recognize it today – a long-term structured analysis capable of producing authoritative assessments and recommendations. In this context I will focus on the Organization for Security and Cooperation in Europe (OSCE) and the mandate for long-term observation bestowed on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) at the 1994 Budapest Summit. This permitted the OSCE/ODIHR to re-define its election observation activities as a process oriented exercise rather than a singular event focused exercise – to approach election observation as more than a one day event.

Within the OSCE context, the landmark 1990 Copenhagen Document established detailed political commitments for democratic elections. However, it was only with the arrival of the enhanced 1994 mandate bestowed on OSCE/ODIHR for observation before, during and after election day – and to assess the conditions for the free and independent functioning of the media – that the OSCE could start to shift from a more ad hoc election observation approach to a more comprehensive and systematic approach. The ODIHR election observation activities have since become the flagship activity of the OSCE – the so-called gold standard – but this was not pre-ordained

from the beginning. Implementing the mandate in an effective and responsible manner, and incubating it from undue political pressures, were central to the development of a credible election observation methodology, which in turn could hold OSCE participating States increasingly accountable to their election commitments and assist them in this regard.

The Budapest Summit decision mandated the ODIHR to develop an Election Observation Handbook, but it did not require that the subsequent handbook be introduced to the OSCE Permanent Council for any official endorsement. Therefore, the ODIHR was ultimately responsible for developing a procedural manual, with distinct policy implications, in what was soon to be clearly recognized as one of the most sensitive fields of OSCE engagement – election observation.

3.3 The 1996 Albanian Parliamentary Elections

The first election that the ODIHR observed according to the methodology outlined in its handbook were the Albanian parliamentary elections of May 1996. While it was a skeleton mission by today's standards, it was on the ground for sufficient duration and with sufficient numbers, underscored by a focused analytical approach, to enable authoritative findings. Unfortunately the election was seriously sub-standard, and the ODIHR post-election statement had to reflect this fact. The OSCE chairmanship introduced the topic as the first order of business at the Permanent Council session the week following the election, and it was unprecedented – an OSCE participating State being held to account for not meeting its election-related commitments on the basis of authoritative ODIHR findings.

While there was substantial concern among participating States about the conduct of elections in Albania, the OSCE was also heavily pre-occupied with upcoming elections in Bosnia-Herzegovina. In their desire to avert another regional problem, a few participating States subsequently encouraged the ODIHR to observe the second round of the elections in Albania, according to a rationale that in the event of a more positive assessment of the second round, a growing crisis might be diffused. However, the ODIHR had to insist that the second round could not be divorced from the observation results of a heavily flawed first round, and that even if there were improvements in the second round, the ODIHR could not

ignore the serious flaws identified in the first round of voting. The ODIHR ultimately took the decision not to observe the second round, and stood by its original findings. This was an important signal that the ODIHR sent – that if it was to establish credibility for its newly enhanced mandate, it could not be contorted to meet every political priority of the day – and certainly not if it was to the detriment of the overarching principles set out in the OSCE election commitments. The ODIHR was setting out on a long path to earn credibility for its election observation mandate, and recognized that this would be a precarious road indeed if it did not quickly establish some boundaries as to what would promote and what would diminish OSCE's credibility in the politically sensitive endeavor of election observation.

While the Albanian government was not able to refute the ODIHR findings, they contested the findings, and several months of tension existed between the Albanian government and the ODIHR. In an attempt to move beyond the May elections, and to constructively engage the Albanian government regarding their upcoming local elections in the autumn of 1996, the ODIHR travelled to Tirana to discuss recommendations that could facilitate improved local elections. However, rather than any discussion on the upcoming local elections, the ODIHR was faced with a demand to withdraw its report on the May parliamentary election, as it had, according to the Albanian authorities, hurt the reputation of their country. The ODIHR advised that it had reported objectively on the May elections according to principles and criteria entered into by the government of Albania, and that the ODIHR was in no position to withdraw its previous report.

It did indicate, however, that it would be willing to observe the upcoming local elections. The ODIHR did subsequently deploy an observation mission to the local elections, with less than full cooperation from the Albanian government, but as election day approached, the ODIHR was faced with a demand by the Albanian authorities to reduce its number of short-term observers from 35 to 10. The fact that the Council of Europe also planned to deploy 35 STOs in the context of their own observation, and had received no demands to reduce this number, underscored the potential for “forum shopping” in the field of election observation. The ODIHR Director travelled to Tirana in an attempt to break the impasse, but ultimately the authorities maintained the numbers limit on the intended ODIHR observation. With diminished numbers that would prove an obstacle to an effective observation and report, and in order not to set the dangerous precedent whereby a participating State could set a numbers limit on an ODIHR observation, the decision was taken to withdraw the mission just prior to election day. While this was a difficult decision, it sent the fundamental signal that the ODIHR could not accept conditional invitations, and had to be free to determine the size and scope of the mission necessary to deliver its mandate on its own accord. Any other decision could have de-railed OSCE election observation as a credible activity before it was even airborne.

3.4 The 1996 Armenian Presidential Elections

Parallel to these developments, the ODIHR had observed the extraordinary presidential election in Armenia in November 1996, and had to report for the second time within a matter of months that another election in the OSCE region was not conducted in line with OSCE election commitments. Furthermore, due to the fact that 20,000 votes in Yerevan alone were unaccounted for – a fact exposed by the Armenia Central Election Commission’s own data – the OSCE/ODIHR had to emphasize that only a follow-up enquiry could determine the reason for such discrepancies. After receiving a senior Armenian delegation in Warsaw to discuss the matter, and with no new information to explain the discrepancies, the ODIHR was steadfast in its position not to adjust its findings. The Armenian authorities subsequently claimed that the ODIHR had misunderstood the Armenian election system, and undertook a diplomatic initiative among some of the OSCE participating States to encourage the ODIHR to adjust its findings. The ODIHR stood by its findings and reiterated that it was not in the position to alter its findings without being disloyal to its mandate. The ODIHR report remained unaltered, which sent another strong signal that if factually based, and with no evidence to the contrary, the ODIHR could not distort its own findings even in the face of a vociferous lobbying campaign by the respective State.

3.5 The change in the mandate

The sensitivity of the mandate was now becoming fully apparent – with two OSCE participating States being cited for sub-standard elections according to well-documented ODIHR findings within a matter of months – and a strong reaction from both governments who launched diplomatic campaigns to try to silence or diminish the ODIHR findings. What was equally clear was that by implementing the mandate received by participating States, the ODIHR was adopting a systematic, long-term, analytical approach, and the resultant findings could not be so easily dismissed as the earlier days of more limited election observation efforts focused largely on election day. While there was recognition from many OSCE participating States that the ODIHR was attempting to effectively and responsibly meet its enhanced election observation mandate, a more decisive consensus supporting the evolving ODIHR approach to election observation had yet to emerge.

This changed in the spring of 1997. At the time, Albania was facing an economic crisis, which quickly became a political crisis. The OSCE chairmanship sent a Special Envoy, and he carried the message that the ODIHR report on the May 1996 elections had to be accepted. Efforts to diminish the report and its findings had not been successful, indicating the veracity of the fledgling ODIHR methodology.

This was the clearest recognition to date that the ODIHR election observation methodology was consistent with its mandate, and that the OSCE as an organization was giving its full and unequivocal backing to the mandated OSCE institution – the ODIHR. From this point on, it could be said that a consensus emerged around OSCE / ODIHR election observation as an activity. A foundation had been laid for the ODIHR to deliver its mandate into the future in a credible and responsible manner, even if the subsequent reports may not always be to the liking of the incumbent government in a host country. The organization – and the broad array of participating states – acknowledged that this was consistent with the mandate bestowed on the ODIHR and a benefit to the OSCE community.

3.6 Cooperation agreement with OSCE Parliamentary Assembly

However, the events in Albania did highlight an anomaly – and a contradiction – within the OSCE on the topic of election observation. Up until that point, the OSCE Parliamentary Assembly (PA) and the ODIHR had delivered separate reports, and in the case of Albania the OSCE PA had issued a much more positive assessment, despite indications that the ODIHR findings would necessitate a harsher statement. This begged the larger question of how to harmonize the efforts of ODIHR, with an enhanced mandate for long-term election observation and designated resources to support this mandate in the field, while providing for a parliamentary dimension to OSCE election observation which would naturally be a more short-term role.

The answer came in the form of a Cooperation Agreement signed by the OSCE Chairman in Office and the President of the PA, whereby a parliamentary figure would be designated as a Special Coordinator for short-term observers – essentially to cooperate closely with the ODIHR Head of Mission in the presentation of the mission's findings. This arrangement has worked on some occasions over the years, and a parliamentarian's input and perspective is always welcomed when fine-tuning politically sensitive statements. Besides its standing cooperation with the OSCE Parliamentary Assembly, the ODIHR has gone on to develop fruitful relations with other parliamentary bodies and assemblies, including

the European Parliament, the Parliamentary Assembly of the Council of Europe and occasionally the NATO Parliamentary Assembly. However, challenges have arisen when the OSCE PA on occasion have promoted the mistaken notion that the PA had a political supremacy or authority over the ODIHR. In the event that a Special Coordinator mistakes their election observation role for a more overtly political role, and departs from the factual findings, this does a disservice to the credibility of election observation in general.

There is also a certain irony to this circumstance. Election observation is certainly a politically relevant activity, but the more that election observation statements are potentially politicized rather than factual and process oriented, the less politically relevant they become. ODIHR's election observers are supposed to follow and objectively comment on an electoral process, in a factual manner and following standardized procedures. Political judgments should continue to be left for others to make outside the framework of an election observation mission; the political interpretation of election observation findings is not for the observers to undertake.

Election observers have to be constantly vigilant that their message is process oriented – and that they focus on the results only to the extent that they are reported honestly, accurately and in a timely manner. For example, in the spring of 1998, the ODIHR was invited to observe an election in a participating State, but unfortunately the Head of Mission misconstrued his role. Rather than representing the findings of a mission of some 200 observers – he determined to give a post-election statement was somewhat of a personally inspired message and not fully in line with the overall ODIHR findings. As a result, the ODIHR expedited the release of the Final Report, which gave a more complete, comprehensive and accurate picture of the given election. The ODIHR had sent another important message – that if anyone, including the Head of an ODIHR mission, attempts to distort or depart from the mission findings – the full finding of the mission will ultimately speak for themselves.

3.7 ODIHR's activities in delivering its mandate

With the election observation ground increasingly established under the ODIHR's feet, and a much better understanding of what the ODIHR's mandate entailed, the ODIHR continued from year to year to effectively deliver its mandate to the benefit of electoral processes in the OSCE region. It conducted its activities on the basis of a general consensus which emerged among OSCE participating States around the ODIHR methodology and its

overall approach to election observation. There was essentially little room for a participating State to try to set the conditions of an ODIHR observation mission, to fundamentally question the value of an election observation report, or the ODIHR's overall approach to election observation. This state of affairs existed essentially between the spring of 1997 and the summer of 2004. The value of ODIHR's election observation activities was even underscored at the 1999 Lisbon Summit Declaration which stated "We appreciate the role of the ODIHR in assisting countries to develop electoral legislation in keeping with OSCE principles and commitments, and we agree to follow up promptly ODIHR's election assessments and recommendations. We value the work of the ODIHR and the OSCE PA before, during and after elections, which further contributes to the democratic process."

One of the few intervening dynamics that arose – which would later cause ODIHR to reconsider aspects of its approach – were problems that arose in the context of elections in longer-standing democracies. Originally, there had been a focus on countries of the CIS and of South-Eastern Europe. This was a logical approach given a modest budget and the non-democratic past of these regions – and also logical given the fact that the ODIHR had originally been established in 1991 as the Office for Free Elections. Early invitations to observe elections in longer-established democracies in the OSCE region were largely considered study visits for politicians, election officials and civic activists from newly emerging democracies.

However, as the reality that established democracies could clearly face electoral challenges became clearer in some instances, the ODIHR had to adjust its election observation focus. The ODIHR initially differentiated between electoral challenges in longer-established democracies, versus electoral challenges in transitional countries, by introducing smaller assessment missions with a focus on the legal and administrative framework rather than on election day itself. ODIHR therefore expanded its activities over the last years in order to follow electoral developments in a much broader range of participating states.

3.8 Dialogue with the Russian Federation

The ODIHR entered a new chapter in the autumn of 2003, when critical but valid statements of elections in the Russian Federation and Georgia had profound effects on the views of a few participating States with regards to election observation. By the

summer of 2004, the counter-reaction came in the form of a post-CIS Heads of State Summit communiqué, which stated that the ODIHR's election observation activities were politicized. The dialogue with Moscow on the topic of election observation became increasingly difficult as the result of ODIHR election observation reports in Ukraine in 2004 and Kyrgyzstan in 2005, which the Russian Federation asserted were a catalyst for the so-called colored revolutions.

The ODIHR tried to keep a dialogue open with the Russian Federation, and to address outstanding issues where there was room for improvement, for example more transparent recruitment procedures for EOMs, an attempt to get a better geographic representation within EOMs, and the continued issue of trying to get a more balanced geographic coverage of ODIHR election observation activities. But as 2007–2008 election cycle in the Russian Federation drew closer, and the ultimate objective of Russia's criticism of the ODIHR appeared to be to unilaterally reinterpret the ODIHR's election observation mandate, taking it back to the days of short-term observation, the ODIHR had to be steadfast. The years 2007–2008 saw an unprecedented challenge to comprehensive international election observation, and ultimately a conditional invitation from the Russian Federation to parliamentary and presidential elections that seriously limited the numbers of observers and reduced the time of their deployment to a few days around election day. The ODIHR had to decline both invitations on the grounds that this did not permit the ODIHR to deliver its mandate.

The conditional invitation contradicted the Budapest Summit (and a practice accepted on previous occasions by the Russian Federation). There is some hope that this period of attempt to infuse politics into OSCE election observation practice is over, as no other OSCE participating State followed the Russian Federation in its attempts to unilaterally redefine OSCE commitments. On this occasion again, the ODIHR had to send a consistent message that it could not accept a conditional invitation that prevented it from credibly delivering its mandate.

3.9 Sensitivity of election observation

One other significant event in the short history of OSCE election observation was an interest by some OSCE states to take election observation out of the OSCE region, and to observe the 2004/2005 elections in Afghanistan. The ODIHR was acutely aware that this could jeopardize its credibility – both in terms of those participating States that were

looking for ways to discredit ODIHR observation – and of course the environment was not conducive to credible election observation – and also due to the fact that Afghanistan was only an OSCE partner for cooperation and was not a party to the Copenhagen Document. The ODIHR found a compromise by sending a technical team that would make recommendations for improving future elections, but not to publicly assess the process in line with international standards. Another important signal from the ODIHR – it was willing to find sensible compromises to satisfy political imperatives while still preserving its credibility for election observation.

One of the signs of the sensitivity of election observation, and of its overall success, has been that it has been the subject of heated debate from time to time in recent years. Institutions such as the ODIHR continue to document challenges to electoral processes, and in return some countries have countered election observation findings by questioning the validity or veracity of election observation. However, one point is eminently clear, that the emergence of comprehensive international election observation, when based on an objective and credible methodology, has been demonstrated to shape domestic and international opinion on the manner in which an election has been conducted. It has therefore become a highly influential activity in a relatively short time span.

The Office for
Democratic
Institutions and
Human Rights

4

The Office for Democratic Institutions and Human Rights

4.1 Promoting democracy

4.2 Criticisms at observers

4.3 Conditions for successful election observation missions

- Depoliticised, impartial, professional, independent assessment of elections
- Effective post-election engagement
- Sustained political will

4.4 Conclusions

4.5 Literature

4 The Office for Democratic Institutions and Human Rights

Nicolas Kaczorowski

4.1 Promoting democracy

This valuable expert meeting is on how to further improve the way we observe elections. This must be a continued concern for us to become better at what we are doing. I believe that this meeting contributes to this objective and provides us with a unique opportunity to speak openly and frankly about where the challenges are, how to address them in the most effective manner and to reflect on whether we are achieving our main goal: improve the integrity of elections and therefore promoting democracy. Credibility is central, essential, and vital to our activity. Trust in our electoral assessments is key for us to contribute positively to the long-term processes of democratization. Therefore, any challenges to our credibility as election observers should be at the core of our common concerns. Building credibility is a long, arduous process that takes painstaking and relentless efforts; in contrast, few repeated mistakes can cause a rapid loss of reputation and credibility detrimental to all of us. Credibility is our wealth and we, all those involved in election observation, have to do our utmost to preserve and further strengthen it. This should be part of our common objectives.

On what is the credibility of election observers based on? What are the principal elements of our credibility? Among others:

- Sound, comprehensive and systematic election observation methodology;
- Impartial, depoliticized and consistent assessments grounded in international standards and domestic legislation;
- International reputation, built over time among global electoral stakeholders and the wider public, as professional actors and source of genuine election assessments;
- Ability to deliver well grounded assessments with a unique voice;
- Transparency of our work;
- The constant objective to train and deploy professional and objective observers;
- Strict adherence to the observer code of conduct.

4.2 Criticisms at observers

Criticisms leveled at election observers are not a new phenomenon. ODIHR has been and continues to be the target of these attacks. We all know what they are and where they are coming from. I will not dwell on them here and now. What is new, however, is the fact that some, beyond our usual critics, have started to doubt our professionalism, question our credibility, and query our usefulness.

A 2009 BBC article titled “The Trials of Election Monitoring” asked the question: can election observers be trusted? (Reynolds, 2009). The same year, another journalist from Radio Free Europe wrote an article about ODIHR’s growing timidity and caution in assessing elections in some countries of the ex-Soviet space. It contends that ODIHR reports “have become markedly less critical in recent years” and see this as “direct result of pressure of Russia” (Whitmore, 2009). This article appeared following the 2009 parliamentary elections in Moldova and the street clashes that ensued. The same article used other examples such as the 2008 elections in Azerbaijan, Armenia and Georgia.

The last example that I would like to take to illustrate my point is an article from Freedom House that states “A number of postelection statements made by international observers appeared questionable and even misleading” (Shkolnikov, 2009, p. 7). This series of articles – I only cited a few – that evidently challenge the credibility and professionalism of election observers prompts some serious questions. Are these articles “flavor of the month” only? Or are there indeed trends, developments in our work that we should be worried about? Are these criticisms justified? Are they founded? Did the observation methodology fail to detect some fraudulent activities? Have States become more sophisticated in organizing malpractices or in “countering” election observers? Does the involvement of observers in countries such as Afghanistan, Sudan and so on strengthen or weaken our credibility? Do we not run the risk of being accused of mounting election observation for political considerations rather than for impartially assessing an election against international standards?

These questions deserve our sustained attention, and an honest self scrutiny of our own practice, and if necessary correction where needed to ensure that our credibility remains intact. Why in my view this is of the utmost importance? Simply because I believe that election observation can be an effective tool for promoting democratic developments, the rule of law and respect for human rights and elections in line with OSCE commitments and international standards. That gives all of us a particular responsibility to conduct objective assessments of the electoral processes as well as to offer constructive and precise recommendations that will assist States in improving their electoral processes.

4.3 Conditions for successful election observation missions

Election observation is not an end in itself. It is only one of the instruments available in our common repertoire to effectively promote electoral integrity. However, under what conditions can election observation be an effective tool for the promotion of democracy? I see three essential conditions for election observation missions to be a successful instrument to promote democracy:

1. Depoliticised, impartial, professional, independent assessment of elections and recommendations;
2. Effective post-election engagement;
3. Sustained political will.

Depoliticised, impartial, professional, independent assessment of elections

Fifteen years ago, ODIHR received a mandate from the OSCE Heads of States in Budapest to engage in long-term observation recognizing that election is a process and not a one day event. Since then, ODIHR and other organizations including the EU, have strived for building, improving, expanding and refining their election observation methodology evolving from a rather impressionistic approach towards a more elaborated and more comprehensive methodology. These methodological frameworks have permitted to look into all aspects of an electoral process, including the pre-election period in a consistent manner, thus avoiding the risk of double standards. The last few years have seen an increased professionalization of observers.

In the OSCE region, EOMs have at times been perceived as a stigma and observation as a finger pointing exercise. I believe on the contrary that the main objective of election observation is to assist States in holding democratic elections in line with international standards. EOMs must provide an impartial assessment of the elections combined with concrete and constructive recommendations on how to improve the election process. That is why we have paid increased attention to the formulation of recommendations to ensure they are grounded in international standards and good practices, they are clearly formulated, and that they reflect the views of election stakeholders.

The drafting of recommendations should not be done hastily at the very last moment. It should be a constant concern of all core team analysts throughout the mission. It is crucial they test their ideas and suggestions with their interlocutors to ensure that they have a resonance that they reflect a need in order to already built domestic buy-in.

ODIHR has been able to deliver consistent, impartial, credible and depoliticised electoral assessments with well grounded recommendations thanks to this well refined long-term election observation methodology. That, of course, does not mean that the methodology cannot be further improved. It can and it should be our concern. The systematic delivery of final reports should mark the formal closing of the election missions and the beginning of follow up.

Effective post-election engagement

Follow up to recommendations formulated by observation missions has been high on the political agenda for many years but with what results? I would argue 'still limited'. This is an area where more must be done and more can be done in order to turn election observation into a successful tool for fostering better elections. Time and time again, observation missions return to a given country to realize that little progress has been made and that previous recommendations have remained unaddressed.

The provision of technical assistance poses two challenges to ODIHR: the risk of conflict of interest and the lack of capacity. Therefore, we need to identify partners who can support authorities to implement recommendations. ODIHR cannot play a leading role but is well placed to play a facilitation role. Who could be our partners in these endeavours? First, we can find them within ODIHR. Other departments have the capacity and expertise to assist States to address recommendations included in final reports. Inter-departmental synergies can be further explored and ODIHR repertoire should be further expanded. All ODIHR departments and units should be concerned with follow up.

Second, ODIHR follow up efforts should be better integrated with those of OSCE in general and with OSCE field operations in particular. They have the comparative advantage to be in the field, to have close working relationship with authorities and have technical assistance capacities. ODIHR should play an advisory and supporting role. Closer partnership must be built in order to ensure that projects implemented by OSCE field operations addressed ODIHR recommendations.

Third, new partnership with external partners should be forged similar to the cooperation established with the Venice Commission. Developing closer ties with organizations with field presence that are active on electoral matters should be a priority as ODIHR alone will not succeed in follow up. There is a need to bridge the community of observers with that of technical assistance providers. These two worlds are too often compartmentalized; this artificial division must be taken down to allow for effective co-operation and synergies. The delivery of the final report should mark the beginning of a postelection dialogue that should permit to assess the level of political will to act upon the recommendations. That leads me to my last point.

Sustained political will

Examples of successful follow up to recommendations can be found – in the OSCE – among States that had displayed a strong and commensurate political will to improve the conduct of their electoral processes. No progress can be achieved without the clear commitment to consider and implement recommendations. The political will can only come domestically from various election stakeholders and not only a country's authorities, although the prime responsibility rests on the shoulders of the respective authorities.

International organizations can play a role of catalyst by offering incentives – through for instance NATO or EU accession, or by conditioning aid to democratic progress – to foster political will. There is,

however, a fine line to pursue in ensuring the sincerity of political will which requires the need for ownership coming from inside a country.

ODIHR's recommendations incorporated in final reports are prioritized to highlight the most valuable, implementable and urgent reforms needed. It is important that key recommendations are relayed, embraced and utilised by OSCE field operations, EU delegations and other international organizations – or national and international NGOs in their discussions with national authorities. Civil society organizations have a particular role to play in advocating for changes in electoral legislation and democratic practices.

4.4 Conclusions

As a conclusion, let me summarize the two main issues which could feed into the discussion of this expert meeting during the next two days. First, I think we need to be aware of criticism voiced regarding observation missions and we need to take this critique seriously and try to do better where appropriate. Second, to place more efforts in a cyclical approach to election observations, meaning that EOMs should focus, besides an impartial assessment, on the drafting of implementable recommendations with the idea in mind, of who could champion them in which framework and with which implementing partners. Leverages exist to encourage political will and promote the implementation of recommendations through follow up and technical assistance.

I firmly believe that by aiming at credible, impartial, depoliticized and professional election observation missions that lead to quality recommendations, combined with an effective follow up strategy and commensurate political will, we are successfully contributing in establishing a powerful mechanism for democracy promotion.

Thank you.

4.5 Literature

Reynolds, P. (2009). The Trials of Election Monitoring. *BBC News*. Retrieved March 19, 2011 from http://news.bbc.co.uk/2/hi/south_asia/8222671.stm.

Whitmore, B. (2009). Moldova Vote Controversy Highlights Doubts Over Monitoring. *Radio Free Europe*. Retrieved March 19, 2011 from http://www.rferl.org/content/Moldova_Vote_Controversy_Highlights_Doubts_Over_Monitoring/1613208.html.

Shkolnikov, V.D. (2009). *Nations in Transit 2009: Democracy's Dark Year*. Freedom House. Retrieved March 19, 2011 from <http://www.freedomhouse.eu/images/nit2009/overview.pdf>.

The OSCE Office for Democratic Institutions and Human Rights and its challenges in relation to election observation

5

The OSCE Office for Democratic Institutions and Human Rights and its challenges in relation to election observation

5.1 Introduction: growing international pressure for greater accountability

5.2 ODIHR and Election Observation

- ODIHR Methodology
- ODIHR Success

5.3 Challenges

- Implementation of commitments
- The Permanent Council and the European Union
- Continued Election Manipulation
- States' Reactions
- The CIS
- ODIHR and Other Observers
- Electronic Voting
- Code of Conduct

5.4 Conclusion

5 The OSCE Office for Democratic Institutions and Human Rights and its challenges in relation to election observation

Dame Audrey Glover

5.1 Introduction: growing international pressure for greater accountability

Thank you very much for inviting me to speak here today. It is a privilege and pleasure to be among so many friends. This meeting is timely, since it is taking place as events continue to unfold in North Africa and the Gulf. The movement which started in Tunisia and then embraced Egypt and other states is significant. Of particular importance is the fact that it began as a grass root initiative – people asking for freedom of expression and greater democracy and government accountability. And this movement started without the intervention of any outside force.

As a result of these events there is already, as in Egypt, a growing call for open and transparent elections. In Egypt, this process has already started with the recent referendum on changes to the constitution, to be followed later in the year by Parliamentary and then Presidential elections. Wider international progress towards greater democracy and openness is likely to involve different institutions in different ways and at different stages of the process, the ODIHR included.

5.2 ODIHR and election observation

I am sure we all agree on the importance of election observation and the impressive reputation that the ODIHR has earned in the OSCE region and indeed beyond for the work that it does in this regard. As has already been mentioned, elections of themselves do not bring democracy but they are a vital ingredient in the democracy mix and a step to achieving it. They are also, as Gerald Mitchell has often said a celebration of Human Rights. The OSCE has long recognised that elections need to be considered as part of a long term comprehensive approach rather than a single event.

ODIHR Methodology

The ODIHR has over the years developed a most impressive methodology for the observation of elections, not just for Election Day but the whole election cycle. It has defended its integrity by laying down certain principles e.g. it is for the ODIHR itself to decide after a Needs Assessment Mission (NAM), the Mission format for an Election Observation Mission that best suits the need identified during the NAM. For example, how many LTOs and STOs it requires and what the composition of the Core Team should be. This is not for the country in question to determine. Similarly, it is for the ODIHR to decide when a snap election is called, whether or not there is sufficient time for the Office to do a proper job and therefore whether or not they should mount an observation mission.

With some difficulty the ODIHR has established that they decide the text of their Reports and that they are not for negotiation with the country concerned. The texts of the Reports cannot be changed. Their methodology for observation of the whole electoral process is set out in great detail in the Election Observers Handbook and is available for all to see. It is now in its 6th edition.

ODIHR Success

The success of the ODIHR's election work has been recognised by the increased mandate given to it by the Participating States (PS) over the years. The PS in the main appreciate and support the ODIHR's approach namely making an assessment of an election's compliance with the OSCE commitments based on factual findings. This methodology has been followed and used by the EU as well as other election observation bodies e.g. the Carter Centre.

One would imagine therefore with this success and recognition that everything was satisfactory in relation to OSCE election observation. But what is surprising to some and disconcerting to many who are working on elections on a daily basis is the way in which the effectiveness of elections observation continues to be undermined and attacked. So the question that I am now going to address is whether the challenges that the ODIHR faces can be surmounted and, if so, how that might be done.

5.3 Challenges

Implementation of commitments

One of the challenges that the ODIHR faces relates to the implementation of existing OSCE commitments concerning elections, or perhaps I should say the lack of it. This is not solely a matter for the State itself but also for the Participating States. Not only is the State breaking its OSCE commitments under Copenhagen by not implementing the recommended action, so are the other Participating States. They are bound by their political commitments to the Copenhagen principles to hold one another accountable to those standards.

To date there has been very little action to follow up the carefully crafted Recommendations which appear in the Final Report at the end of every election which ODIHR monitors or a positive response to ODIHR's offer of assistance. Over the years when elections have been observed in certain countries, the same recommendations appear time after time and nothing has been done to implement them. The consequence is that the next EOM is forced to scabble around to try to say something positive, particularly if the OSCE PA is there. A certain degree of hopelessness arises and raises the question: is there any value in repeatedly monitoring these countries?

That is why the experience that the ODIHR had with Georgia last year is rewarding. The ODIHR was invited by the Georgian Delegation in Vienna to visit Georgia a few months after the election to discuss the findings in the Final Report, to identify priority recommendations and consider ways and a timeframe for their implementation. During that visit for the first time following an election the ODIHR organised jointly with UNDP a meeting to discuss election legislative reform planning and co-ordination. Hopefully, this might be the beginning of a new trend and that a constructive relationship can really begin between states where elections have taken place and the ODIHR, so that the commitments can be fulfilled.

The Permanent Council and the European Union

This apparent lack of interest in a dialogue between the State and the ODIHR is compounded by the fact that there is no follow up at the Permanent Council (PC) to the Final Report. This is despite the fact that there have been suggestions over the years that the PC should have an institutionalised oversight role. The fact that it does not is unfortunate. The strength of an institution is for all the members to give the same message. If an institution is to have authority, its members have actively to adopt all the commitments; work together to fulfil them; be prepared to remedy breaches when they are found; and to criticise States who have violated the commitments, including themselves. Despite the fact that the PS have committed themselves to do this, the reality is different.

In general, there appears to be reluctance among some States to criticise others and the voices of those who are prepared to do so are lost. The European Union (EU) which represents half of the Participating States makes one statement which is often a hard fought compromise text and the individual Members of the EU are in effect silenced. This gives a much skewed picture of the views of the PC. I think that greater participation is required and greater activity in the PC to improve compliance with international commitments in line with recommendations of EOMs.

Continued election manipulation

Another challenge is the way in which the governments in some states are taking steps to ensure that they remain in power by manipulating the election. Years ago this would be done by stuffing ballot boxes. This is still done to a lesser extent but the methods of manipulation used these days are more sophisticated.

By intimidation and rejecting prospective candidates on flimsy grounds so that they cannot register, the opposition can virtually be eliminated before an election campaign begins. In addition, targeted pressure on students, teachers, lecturers, and the military and factory workers ensures that they vote in a particular way. But there are other methods of manipulation: doctoring the voters register for example by leaving names off or adding them; abusing the power of incumbency so that there is not a level playing field for all the contestants; and adjusting the vote count and tabulation as well as others. This results in voter fatigue and a lack of confidence in the whole electoral process, as well as a drop in voter turnout, which in itself allows for manipulation.

The ODIHR has in the past suggested that additional commitments should be added which would spell out standards of transparency and accountability and thereby ensure voter confidence. Perhaps the time has come to renew the debate?

States' reactions

I have said already that most States accept the Final Report of an EOM but there are some who do not and reactions to critical reports vary. One reaction has been not to invite the ODIHR to monitor future elections, while another has been to veto the renewal of the OSCE Mission in its country and yet another has been to attempt to impose conditions and restrictions which would have prevented the ODIHR from carrying out its Mission. There have also been attempts to undermine consistently the work of the ODIHR in election observation. This is done by repeatedly questioning its work and frequently claiming that there are no binding standards for elections, despite the endorsement of the Copenhagen commitments on elections by all the OSCE States in 1990. Perhaps it is worth while pointing out that none of the OSCE commitments are legally binding. However the fact that they are political rather than legal does not make them any less binding on the States that adopt them. There are also claims that the methodology is secret. This is belied by the fact that there have been a series of books which set out in great detail exactly how elections are monitored and explains the ODIHR methodology in great detail.

I would like to think that the attempts to emasculate the ODIHR are beginning to decline. This may be because there is less support from members of the PC and that other issues are higher on their agenda to consider. Nonetheless, more robust rebuttals from members of the PC are needed than have been received to date, in order to ensure that the false arguments are knocked down and the true picture of election observation is portrayed.

The CIS

There is a small group of countries within the OSCE from the CIS who also monitor elections in the CIS countries. Despite the fact that they claim that they use the same methodology as the ODIHR, their results are never the same and they refuse to reveal the system that they actually use. They tend to stress that an election conforms to the national legislation rather than international standards. They also say that an election was “legitimate” rather than in conformity with international standards. Overall, they try to insert politics into the observation and rarely criticise the states that they are monitoring for not fulfilling their electoral commitments.

It is strange that there should be different conclusions from the two bodies but I do not think that the majority of the PC is influenced unduly by the findings of the CIS. But it would be helpful if the PC could question their findings more than they do at the moment and ask for explanations as to how and why those findings differ from those of the ODIHR.

ODIHR and Other Observers

Quite frequently the ODIHR observes elections on Election Day with representatives of the parliaments of the Council of Europe, NATO, the EU and the OSCE Parliamentary Assembly. The working relationship with the first three parliaments I mentioned is good. But extraordinarily enough it is with the OSCE Parliament that the ODIHR sometimes has problems.

This is above all quite a challenge which is also time consuming, labour intensive and wearying. The OSCE PA run a constant supremacy battle with the ODIHR and consider that, they should be recognised as assuming the leadership of election observation missions and not the ODIHR. Their repeated claims – that the ODIHR team favours the opposition – come from a basic misunderstanding of how the ODIHR operates an Election Observation Mission. Time could well heal this problem. In addition, perhaps the new Chairman in Office might be able to help resolve it. But again more rigorous questioning by the PC of the operation of the OSCE PA would also greatly assist the ODIHR.

Electronic Voting

Another challenge to election observation is the new techniques that are evolving with the introduction of electronic voting. These developments will need to be carefully considered to ensure that voter confidence is maintained and also electoral standards as a whole. The need for accountability and transparency is paramount with regard to the programmes and methods used in relation to these new techniques because of concerns of possible manipulation and the response to them by the average voter.

Code of Conduct

It is good that there is a code of conduct which binds all the observers, so that there is a yard stick against which their behaviour can be measured. I also think that it would be useful if there could be some form of appraisal of observers so that the governments can have an idea how the people they send out (and pay for) perform. This would ensure that only those who do a good job are sent again. This is a delicate issue since the governments pay for the observers, not the ODIHR. Nonetheless, I think that governments would like to know that the OSCE is getting value for the money they are spending and that the people they select are doing a good job.

The professionalism and integrity of the EOMs that the ODIHR organises is something of which they should be justly proud and much of this comes from the fact that they attach

a great deal of importance to training. Perhaps more work could be done by ODIHR to ensure that all those going on Missions have been trained and have a very clear idea of what they are doing and why? I suggested at a meeting in Kiev 2 years ago that everyone who participated in an EOM should have had some training, only to be told rather scornfully by a Parliamentarian that MPs did not require any training. No comment.

5.4 Conclusion

Maintaining the integrity and high standard of their product is the best way for the ODIHR to ward off many of the challenges with which they are faced. I am confident that they will be able to do so but they cannot do it alone and need much more active support from the international community, particularly the PS of the OSCE. We, however, too can play a part by thinking outside the box – coming up with ideas in the next few days as to how the ODIHR can confront and overcome the challenges that it faces.

Thank you.

The Council of
Europe EOMs in
Kosovo 2000–2007

6

The Council of Europe EOMs in Kosovo 2000–2007

6.1 Introduction

6.2 Deployment period

6.3 Methodology and reporting system

- Reporting between CT and HQs
- Reporting between LTOs and CT

6.4 Preliminary statement

6.5 Conclusions and recommendations

6 The Council of Europe EOMs in Kosovo 2000–2007

Franck Daeschler

6.1 Introduction

I first of all would like to congratulate and thank the University of Maastricht and Statistics Netherlands for their initiative and the excellent organisation of this Conference with such high level participants. One might have been surprised to see the Council of Europe (CoE) on the programme, given that the Council of Europe does not usually deploy long-term Election Observation Missions (EOMs) in its geographical area, as it is commonly understood that this is done by the OSCE/ODIHR with whom CoE has a long-standing very close cooperation.

The situation was slightly different in Kosovo because the OSCE was fully involved in the organisation of the election as part of the relevant pillar of the United Nations Mission in Kosovo (UNMIK). UN Special Representative of the Secretary General (SRSG) Bernard Kouchner asked for the Council of Europe to conduct an independent EOM to observe the first elections following adoption of the UN Security Council Resolution 1244.

The CoE deployed 5 long-term EOMs in Kosovo between 2000 and 2007. Except for the Municipal elections of 2000, where I was only part of the exploratory mission, I was a member of the Core Team (CT) in the other four, and Deputy Head of Mission (DHoM) in 2007. It is about these experiences, and the way in which the CoE conducted these 5 missions, that I would like to address today. I would like to apologize as my presentation may also touch on other topics of our conference.

Looking back at these experiences I wish to share some thoughts with you. Because the subject is too vast, I would like to try to focus on the three following aspects:

1. *The period of deployment.* It varied quite a lot from one mission to another. I would like to see with you how this impacted, positively or negatively, on some particular parts of the work of the mission, and on the final assessment of the electoral process;

2. The *methodology and the reporting system, especially with LTOs and STOs*. When we started the first mission in 2000 we had no previous experience of long-term EOM and no specific methodology or reporting system in place;
3. *The preliminary statement*. We can surely agree that this is the most important and sensitive part of the work of the EOM. It is what remains in the media and public opinion as our assessment of the Electoral process.

6.2 Deployment period

The period of deployment varied from one mission to another, following the request of UNMIK who wanted us to observe the process as from the registration of voters.

In 2000, 2002 and 2004 the mission was operational for about 3,5 months, which is already between 4 and 8 weeks more than most EOMs. In 2007 it was a standard EOM with 6 weeks of deployment. But in 2001 the mission was deployed for almost 4.5 months from the setting up to the closing down. I am sure that some of you would wish all EOMs were deployed for such a long time.

As we all know, an election is not a one-off exercise. It is a continuous process involving several stages. All of them need to be analysed in order to assess the election. This process starts long before E-Day.

Moreover, this process takes place in a *particular and unique context*: political of course, but also geographic, demographic, social, economic, historical, cultural etc. This context is constantly evolving and changing. The international context must also be taken into account as it may influence the electoral process. We have plenty of recent examples: the crisis in Japan, which played a role in the vote in Baden-Württemberg/Germany elections in 2011; the world economic crisis; the war in Iraq; 9 September 2001... Considering what I just mentioned, an election is probably one of the most complicated processes to observe given that almost anything may have an influence on it.

If I may make a digression, I better understood the importance of the context since I joined the Parliamentary Assembly of the CoE, where the observation of elections is part of a monitoring mechanism carried out by the Assembly for the vast majority of countries where we deploy an observation mission¹⁾.

¹⁾ CoE countries under monitoring procedure: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, Serbia, Ukraine, Russian Federation. CoE Countries under post-monitoring dialogue: Bulgaria, Monaco, 'The former Yugoslav Republic of Macedonia', Turkey.

The first challenge of the members of the CT, when they land in a country, is to get to know the entire context: political and historical, economic, social, cultural, local specificities, and so on. Once this preliminary work is done, you can focus on the electoral process itself: the electoral legislation, legal framework, political landscape, political parties and leaders, stakeholders including member of the government and parliament, minorities, electoral administration, including appeal and complain jurisdiction. And you can meet with all these players as well as with media representatives, NGOs, civil society and sometimes religious and community representatives.

All this information needs to be analysed to get the full picture and the best possible understanding of the context. I am sure that we agree that this work is fundamental, not only for the future work of the CT, but also for comprehensive LTO training.

When the CT was deployed in 2007, we had a couple of days before the LTOs arrived, and two more before we deployed all LTOs in the regions. Deployment was after a two-day training as it is the case of most EOMs. But in previous missions, the LTOs arrived two to three weeks after the CT. This may be quite early, but can you imagine what you gain in terms of preparation with this additional time at your disposal: preparation in terms of understanding of the context, additional time for meeting with stake holders, visiting regions, communities, minorities, and to prepare the training and deployment of LTOs.

Here, I would like to focus briefly on the work of the LTOs. Their work is vital for the final assessment of the entire electoral process. They are on the ground, observing the way the process is carried out and witnessing the potential shortcomings and problems. Like CT members, LTOs come from different countries and have various backgrounds, experiences and competences. Some countries provide their LTOs with a full briefing before sending them to an EOM, whereas other countries don't. The briefing and training provided by the CT therefore plays a key role in providing them with the best possible understanding of the context. Teaming and deployment is also extremely important. We should set up the best possible LTO tandems to benefit from synergies and optimize their competences and experiences. The additional time we got in some of our EOMs in Kosovo prior to the arrival of LTOs and their training and briefing in the "capital" before deploying them in the regions, was valuable in this respect.

Prior to the CT's deployment we carried out an exploratory mission (NAM in ODIHR's terminology). NAM's work is absolutely essential. Here too there were differences from one mission to another. Some of the exploratory missions were composed of the future HoM, DHoM, Legal and electoral expert and senior operations expert who were already appointed. This turned out to be a great advantage when the full CT got deployed few weeks later for the main mission.

6.3 Methodology and reporting system

This is a key aspect because it is how you get the information and observation and analyse it. We gained experience and drew lessons from the previous missions, although at the beginning the absence of a well-established methodology resulted in some delays until the mission was fully operational. But we were completely open about how to proceed, which was an advantage since we managed to keep some flexibility during the whole mission.

Reporting between CT and HQs

First, I would like to focus on the reporting between CT and HQ. We, of course, had to provide interim reports to HQs. But in 2007 we only had to provide one interim report in the middle of the 6 weeks deployment. In the previous missions we also provided only one interim report, except 2001 when we did 2. As a result, we had about 6 weeks before issuing the 1st interim report, which really allowed the CT to focus more in depth on the observation itself.

I saw the difference in 2007, when I had to start drafting right after my arrival and even before the deployment of LTOs.

Reporting between LTOs and CT

Now, reporting between LTOs and CT is an extremely important aspect. I insisted earlier on the importance for the CT to have the best understanding possible of the general context as a pre-requisite to provide LTOs with all the necessary information. As was rightly said in the introduction paper of this conference: “we do not make observers by saying: observe”.

LTOs know what they have to do, but when they arrive they expect a good briefing and clear instructions on observation and reporting from the Core Team on the electoral process we all have to assess. The quality of this briefing will be reflected in the quality of their observations and how CT can make use of these for the interim and final reports, and the preliminary statement.

There should be a clear and adapted reporting system between LTOs and CT. It should be “tailor made” and based on a methodology. It should be set up prior to the deployment of

LTOs, so that it can be discussed in detail beforehand. It should also be supported by a good and simple communication system between LTOs and CT.

When I was going through all weekly reports I received from the LTOs in order to draft the Interim report, preliminary statement, and the final report, I was saying to myself: "I am missing some information here". The best way to avoid the loss of information between LTOs and CT is to have time to adapt and properly explain the reporting system.

The chance we had in Kosovo was that it is a small area. This enabled us to convene one LTO member per team to attend a full day debriefing with the CT at the end of each week. This was extremely useful. It also allowed LTOs from different areas to exchange their observations, and to make corrections during the process if necessary. But this cannot be done in many countries or areas.

6.4 Preliminary statement

Actually, when preparing this presentation I was hesitating to put this issue first. At the end of day, your constraints on the preliminary statement determine all the actions you have to take up stream. In our 5 missions in Kosovo we became an IEOM with partner institutions joining us around E-day. I am convinced that this is a good format. I strongly believe that it is better for Democracy to have such a format, so as to avoid having different institutions making their own statements, so that the observed can choose the statement most to their liking.

As in many EOMs, we had to issue the preliminary statement between 12 and 3 pm of the day following E-Day. This is extremely short. As a result we had to try to get maximum of data and observations quickly and process them as soon as possible. We asked STOs to send their forms several time a day and asked LTOs to make sure they did it, or to receive and process the forms in order to send them to CT.

Consequently, LTOs cannot concentrate on observation itself on E-day. It would be much better if they did. Not only because they have already been deployed for about 4 weeks and have a better overview of the election process. They could also provide better assistance and guidance to STOs, and debrief STOs much better if they could spend more time observing the opening, voting and counting on E-day.

Actually the same goes for the CT since we spend E-day in meetings, with the CT and with our partners, reviewing the statement and negotiating it, instead of being out spending time in polling stations or DEC's observing what is actually going on.

Furthermore, while CT puts the final dot on the statement (to allow time to translate and print it), LTOs are still debriefing their STOs in the regions. This is alright in places where

E-day does not bring major surprises. But who can be 100% sure about what will really happen on E-day?

Ideally, CT and LTOs should have more time to:

- focus on observation itself on E-day;
- to analyse all observers' findings;
- to properly debrief STOs and inform the CT;
- to compare LTOs and STOs debriefing's conclusions with the data collected;
- to cross-check and double check them;
- and last but not least: to ask ourselves questions about the findings and observations: Is this issue really problematic? What is the real impact of this?

In many elections this is not a problem because they are no surprises. But we should be able to take more time if necessary.

6.5 Conclusions and recommendations

Looking back and comparing these 5 different missions I would like to keep the following ideas:

- a. It is a real advantage when the exploratory mission includes the senior experts of the future CT;
- b. Pre-deployment mission of CT about 2 weeks before the arrival of LTOs (which means 8 weeks prior to E-day if LTOs are deployed for 6 weeks, or 6 weeks if LTOs are deployed for 4 weeks);
- c. Earlier deployment of CT allows more time to study the context;
- d. Strengthening cooperation with permanent international presences and domestic observers. As an electoral process starts well ahead E-Day, we will never be deployed early enough to observe everything that could influence the process. That's why we should reinforce cooperation;
- e. Improve efficiency of the training and deployment of LTOs. Take more time with LTOs. Do team building to improve the pairing up;
- f. Improve the reporting system and communication between CT and LTOs;
- g. Methodology is important but so is flexibility. We have gained experience since we do EOMs. So did those we are observing. They know how we function and what our weaknesses are;

- h. Issuing the preliminary statement later to allow CT and LTOs to fully focus on observation and analysis on E-day. This would improve the quality of observation. Better debriefing of LTOs and STOs. Double checking and cross checking and, if necessary, investigating in case of major incident. Preliminary statement issued 48 hours after E-day seems to me a good compromise.

We simply need a bit more time to do all this. More time at the beginning to deploy the CT a bit earlier, and one more day for the preliminary conclusions. This would already make a great difference and improve the efficiency of EOMs.

Democracy is priceless. But at the same time Democracy has a price. Are we ready to make the necessary efforts to further improve EOMs? Several measures that could contribute to this improvement do not cost much, but some will imply additional funding. Are decision-makers ready for this?

Before making their decision they should recall that many countries are currently in a political crisis: Albania, Moldova, Armenia, Ivory Coast to name a few. Although the problems were there before, the crisis kicked off after the last election.

7

International election observation and democratization

7.1 Introduction

7.2 Principles of democracy

7.3 Global governance and democratic development

7.4 A global institutional approach to democracy support: The Community of Democracies

7.5 International election observation missions

7.6 Key players in international election observation missions

- Congress of local and regional authorities of the Council of Europe
- NDI and CIS
- OAS and DAEU
- NGO's and domestic observer groups

7.7 International election observation in support of principles of democracy

7.8 Conclusions

7.9 Literature

7 International election observation and democratization

Caecilia van Peski

7.1 Introduction

The European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) have a clear interest in promoting democracy as part of a process of better governance. Democratization is approached as a means of achieving the core objectives of sustainable development, security, peace and equity, since these involve objectives no territorial actor can secure alone. Positive transnational cooperation is necessary and the EU and OSCE show a willingness to evolve in order to improve it. Also, internal as well as external aspects of global institutional development vis à vis governance and democratization are key in pan-European deliberations on governance.

This chapter proposes that democracy is essential to the establishment of principles of good governance. Yet, governance is sometimes criticized as introducing non-public and more selfish elements into the public sphere of government. The danger of privatizing and eroding democracy clearly exists. The more complex the democracy within which governance is being constructed, the more difficult it is to define and deal with this democratic risk. However, including enterprises and civil society in governance can reduce some of the imperfections of government.

Considering current global trends in the pursuit of better governance, growing interdependence driven by economic globalization, and the rise of threatening, transnational challenges such as climate change and rising in poverty, greater effort is required in sharing responsibility over democratic development at global level.

Existing systems of democracy, having achieved much in many cases, still show shortcomings that contribute to conflict, poverty and unsustainable development.

Current institutions of governance and democracy are increasingly criticized as being unaccountable, lacking transparency and legitimacy and being incapable of responding to today's challenges. There is considerable scope for improving these institutions and equipping them with new tools. International election observation by the EU and OSCE has much to contribute to democratic development within and beyond the borders of the European Union and the OSCE. The challenge is to improve the ability to form a true community of democracies in which international election observation is to realize its full potential.

7.2 Principles of democracy

Democracy can be understood as a political system where public decision making is subject to popular control and where all citizens have an equal right to participate in the process (Putnam, 2007). Whilst levels of democracy cannot easily be compared between states¹⁾, there are ways to make assessments of the quality of democracy in a state at a given time (Bader, 2007). Democracy building is about creating the conditions that allow the principles of democracy to be put into practice. In order to be effective, such efforts are said to have to be led from within a country (Smith, 2007). Others argue that they can also be supported from the outside (Archibugi, 2008). According to Anderson (1983), democracy does not develop in a domestic vacuum; international relations and actions by external parties may affect national and local realities. According to some theories of democracy (Held, 2000, Jacobs, 2006), popular sovereignty is the founding principle of the system of democracy. However, the democratic principle has also been expressed as “the freedom to call something into being which did not exist before, which was not given... and which therefore, strictly speaking, could not be known” (Bader, 1999). This type of freedom, which is connected to human “natality,” or the capacity to begin anew, sees democracy as “not only a political system... [but] an ideal, an aspiration, really, intimately connected to and dependent upon a picture of what it is to be human – of what it is a human should be to be fully human.”

While there is no specific, universally accepted definition of democracy, equality and freedom have both been identified as key characteristics. This is reflected in the principle that all citizens are equal before the law and have equal access to legislative processes. Every

¹⁾ The Economist Intelligence Unit Democracy Index is an example of an index that claims to measure the state of democracy. The index is based on sixty indicators grouped in five different categories: electoral process and pluralism, civil liberties, functioning of government, political participation and political culture. According to the latest index issue (2010), Norway scored a total of 9.80 (0–10 scale). North Korea scored 1.08, remaining at the bottom in 167th place. As an alternative, figures published by Freedom House are used to give an indication for democratic development within a state.

vote has an equal weight, no unreasonable restrictions can apply to anyone seeking to become a representative, and the freedom of the citizens is secured by legitimized rights and liberties that are generally protected by a constitution. There are, however, several varieties of democracy (Bader, 2003), some of which provide better representation and more freedom for their citizens than others. Representative democracy, consensus democracy, and deliberative democracy are all more or less recent major examples of attempts at a form of government that is both practical and responsive to the needs and desires of citizens.

Often the term democracy is used as shorthand for liberal democracy, which may include elements such as political pluralism; equality before the law; the right to petition elected officials for redress of grievances; due process; civil liberties; human rights and elements of civil society outside the government. For example in the U.S., separation of powers is often cited as a central attribute, but in the United Kingdom, the dominant principle is that of parliamentary sovereignty (though in practice judicial independence is generally maintained). In other cases, democracy is used to mean direct democracy. Though the term democracy is typically used in the context of a political state, the principles are applicable to private organizations and groups – even individuals.

Often, majority rule is listed as a core characteristic of democracy (Putnam, 2007). However, it is possible for a minority to be oppressed by a 'tyranny of the majority' in the absence of governmental or constitutional protections of individual or group rights (López-Pintor, 2004). An essential part of an 'ideal' representative democracy is seen in competitive elections that are executed freely and fairly, both substantively and procedurally (Guidry, 2003). Furthermore, freedom of political expression, freedom of speech, and freedom of the press are considered to be essential, so that citizens are adequately informed and able to vote according to their own best interests as they see them (López-Pintor, 2002). It has also been suggested (Banks, 1997) that a basic feature of democracy is the capacity of individuals to participate freely and fully in the life of their society.

Democratic development is generally a long-term and never-ending process aiming to increase the quality of democratic institutions and processes and to build a democratic culture. Some definitions (Anderson, 2002; Resina, 2006) even go beyond this working definition of democratization by including reference to its contents and substance. These definitions are in line with the ones posed by key-players in the field of democracy building, such as International IDEA²⁾. The two fundamental principles to democracy, according to the International IDEA 'State of Democracy Assessment Framework', are i) popular control over decisions and decision makers, and ii) equality of respect and voice between citizens

²⁾ The International Institute for Democracy and Electoral Assistance (International IDEA, Stockholm, Sweden) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, assisting in democratic reform, influencing policies and politics in the field of elections, constitution building, political (multi)party development, gender in democracy and women's political empowerment, democracy self-assessments and democracy development.

in the exercise of that control. According to International IDEA, the realization of these two principles is made possible through seven mediating values: participation, authorization, representation, accountability, transparency, responsiveness, and solidarity. Modern day views on democracy, including that of the OSCE, focus on the following elements to define aspects of genuine democracy: periodic elections, right to stand for elections, universal suffrage, equal suffrage, right to vote, secrecy of vote, one man one vote, and free expression of the will of voters (Goodwin-Gill, 1994).

Diamond (1996), argues that since the overthrow of Portugal's dictatorial regime in 1974 (element in the so called "Third Wave of Democracy"), the number of democracies in the world has multiplied dramatically. Before, there were roughly forty countries that could be classified as more or less democratic. The number increased moderately through the late 1970s and early 1980s as a number of states experienced transitions from authoritarian (predominantly military) to democratic rule. In the mid-1980s, however, the pace of global democratic expansion accelerated markedly, and today there are between seventy-six and one-hundred-and-seventeen democracies, depending on how one counts. According to Diamond the way of counting is crucial in thinking about the expansion of democracy or holding steady at its current level. It raises the fundamental question of what is meant by democracy.

In a seminal formulation, Samuel Huntington (1991) dubbed the post-1974 period the "third wave" of global democratic expansion. Huntington defines a "wave of democratization" simply as "a group of transitions from non-democratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period." Furthermore, Huntington identifies two previous waves of democratization: a long, slow wave from 1828 to 1926 after the Napoleonic Wars and a second wave after WWII. The third wave of democracy included the fall of the Greek military Junta on 21 April 1974 (the "Regime of the Colonels" led by Georgios Papadopoulos), the "Carnation Revolution" on 25 April 1974 (ending the

Types of Democracy

Agonistic Democracy, Anticipatory Democracy, Athenian Democracy, Bioregional Democracy, Cellular Democracy, Consensus Democracy, Constituency Democracy, Constitutional Democracy, Council Democracy, Defensive Democracy, Delegative Democracy, Democratism, Direct Democracy, Constitutional Democracy, Defensive Democracy, Deliberate Democracy, Demarchy Democracy, Democracy in the Polis, Democratic Centralism, Economic Democracy, E-Democracy, Emergent Democracy, Façade Democracy, Global Democracy, Grassroots Democracy, Home-grown Democracy, Illiberal Democracy, Interactive Democracy, Intra-Party Democracy, Jacksonian Democracy, Jeffersonian Democracy, Liberal

Democracy, Market Democracy, Multiparty Democracy, New Democracy, Non-partisan Democracy, Open Democracy, Parliamentary Democracy, Participatory Democracy, Polder Democracy, Popular Democracy, Pure Democracy, Radical Democracy, Republican Democracy, Religious Democracy, Representative Democracy, Republican Democracy, Social Democracy, Sociocracy, Sortition, Soviet Democracy, Totalitarian Democracy, Tsar Democracy, Universal Democracy, Utilitarian Democracy, Westminster Democracy, and counting.....

(Source: Freedom House, UNDP Human Development Report 2010. UNDP lists a total of over 500 types of democracies)

dictatorship of António du Oliveira Salazar), and the fall of the Francisco Franco regime in Spain on 20 November 1975 (Acemoglu, 2006).

Diamond argues that Western-style liberal democracy will not expand in the years to come. He even goes as far as to predict that democracy could recede into a reverse wave. It could become less liberal and more artificial in the process, or stabilize and sink firm roots in countries where it is now present, and even liberal, but not secure. If the historical pattern were to be defied and a third reverse wave avoided, the overriding imperative in the coming decades would be to consolidate those democracies that have come into being during the third wave. Consolidation must rest on conceptual foundations other than what is hypothesized to be its principal consequence: the stability and persistence of democracy. According to Diamond, consolidation of democracy is most usefully construed as the process of achieving broad and deep legitimation, such that all significant political actors, at both the elite and mass levels, believe that the democratic regime is the most right and appropriate for their society, better than any other realistic alternative they can imagine.

7.3 Global governance and democratic development

The structures and the qualities of governance are critical determinants of social cohesion or social conflict, the success or failure of economic development, the preservation or deterioration of the natural environment, as well as the respecting or violation of human rights and fundamental freedoms. These determinants are widely recognized throughout the international community and underline how governance is connected to democratic development (Karns & Mingst, 2004). The UN Millennium Declaration states that creating an environment that is conducive to development and to the elimination of poverty depends, *inter alia*, on good governance within each country, on good governance at international level and on transparency in the financial, monetary and trading systems³⁾. As well, the Declaration lists democratization amongst its key pillars.

³⁾ On 8 September 2000, following a three day Millennium Summit of world leaders at the headquarters of the United Nations in New York, the UN General Assembly adopted the Millennium Declaration. A follow-up outcome of the resolution was passed by the General Assembly on 14 December 2000 to guide its implementation. Progress on implementation of the Declaration was reviewed at the 2005 World Summit of leaders. The Millennium Declaration has eight chapters and key objectives, adopted by 189 world leaders during the summit: 1) Values and Principles, 2) Peace, Security and Disarmament, 3) Development and Poverty Eradication, 4) Protecting our Common Environment, 5) Human Rights, Democracy and Good Governance, 6) Protecting the Vulnerable, 7) Meeting the Special Needs of Africa, and 8) Strengthening the United Nations. The eight goals are to be achieved by the year 2015.

Governance, democratization and development are equally linked in the European Union's Charter on Fundamental Rights⁴. The Charter emphasizes that democracy is essential to global governance. Global governance is the political interaction of transnational actors aimed at solving problems that affect more than one state or region when there is no power of enforcing compliance (Kagan, 2008). The modern question of governance and democratization takes root in the context of globalization. In response to the acceleration of interdependence on a worldwide scale, both between human societies and between humankind and the biosphere, world governance designates regulations intended for the global scale.

The collapse of the Soviet Union in 1991 marked the end of a very long period of international history based on a policy of balance of powers between the East and the West. Since this historic event, the world has entered a phase of geostrategic breakdown. National-security models are gradually giving way to an emerging collective conscience that extends beyond the restricted framework of national borders.

As stated, the essence of the question of global governance did not arise until the early 1990s. Up until then, the term "interdependence" had been used to designate the management of relations among states (Beck, 2006). The post-Cold War world of the 1990s saw a new paradigm emerge based on a number of issues:

- 1 The growing importance of globalization as a significant theme and the subsequent weakening of nation-states, pointing logically to the prospect of transferring to the global level the regulatory instruments no longer working effectively at the national or regional levels;
- 2 An intensification of environmental concerns for the planet, which received multilateral endorsement at the Rio Earth Summit (1992);
- 3 The emergence of conflicts over international standards. These conflicts continued the traditional debate over the social effects of macroeconomic stabilization policies, and raised the question of arbitration among equally legitimate objectives in a compartmentalized governance system where the major areas of interdependence are each entrusted to a specialized international institution, although often limited in scope, and;
- 4 An increased questioning of international standards and institutions by developing countries, which, upon entering the global economy, did not accept that industrialized countries held onto power giving preference to their own interests. The challenge also came from civil society, which considered that international governance systems had become the real seat of power.

⁴ The Charter of Fundamental Rights of the European Union enshrines political, social, and economic rights for EU citizens and residents, into EU law. It was drafted by the European Convention and solemnly proclaimed on 7 December 2000 by the European Parliament, the Council of Ministers and the European Commission. However, its then legal status was uncertain and it did not have full legal effect until the entry into force of the Treaty of Lisbon on 1 December 2009. Under the Charter, the EU must act and legislate consistently with the Charter and the EU's courts will strike down EU legislation which contravenes it. The Charter only applies to EU member States when they are implementing EU law and does not extend the competences of the EU beyond the competences given to it in the treaties.

Whereas the process of global governance used to be about regulating and limiting the individual power of states to avoid disturbing or overturning the status quo, the issue for today's global governance is to have a collective influence on the world's destiny by establishing a system for regulating the many interactions that lie beyond the province of state action. Resulting from this, another significant global process is the emergence of global civic awareness. A rapidly growing number of movements and organizations have taken the debate on democratization to the international or global level (as could recently be seen with many (I)NGOs based in the MENA region)⁵.

Since the Berlin wall came down in November 1989, armed conflicts have changed in form and intensity. The events of 9/11, the wars in Afghanistan and in Iraq, and repeated terrorist attacks all show that conflicts can become lethal for the entire world, well beyond the belligerents directly involved. After the end of the Cold War, leaders of major powers, including the U.S. have used war as a means of resolving international conflicts. They may well continue to do so. On the other side of the Atlantic, European nationalist movements have proved to be the most persistent terrorist threat (one gruesome example occurred on 22 July 2011 in Norway where a single individual attacked the government in Oslo and the civilian population in a summer camp on the island of Utoya).

At the same time, civil wars continue to break out across the world, particularly in areas where civil and human rights are not respected, such as Central and Eastern Africa and the Middle East. These regions remain deeply entrenched in permanent crises, hampered by authoritarian regimes that reduce entire populations to wretched living conditions. These wars and conflicts are caused by economic inequality, social conflict, religious sectarianism, Western imperialism, colonial legacies, disputes over territory and over control of basic resources such as water or land. They are all illustrations of a deep-rooted crisis of global governance. Proposals for the governance of peace, security, and conflict resolution begin by addressing prevention of the causes of conflicts. International institutions have an important role to play in resolving (armed) conflict. In this light, the following governance initiatives are noteworthy:

- 1 The World Parliamentary Forum, open to Members of Parliament from all nations and held every year at the same time as the World Social Forum;
- 2 The International Alliance of Military for Peace and Security, with its platform for expression and discussion of ideas and positions on various topics affecting security and stability. One of the Alliance's key goals is to promote the European Security and Defense Policy (ESDP), and;
- 3 The European Commission, referring to global democratic governance in its White Paper on European Governance⁶. In this document, the European Commission

⁵ MENA: Middle East & North Africa

⁶ Commission of the European Communities (2001), *European Governance: a White Paper*. Brussels, 25.7.2001 COM (2001) 428 final.

contends that the search for better global governance draws upon shared democratic values, sustainable development, security, peace and equity (in the sense of “fairness”).

7.4 A global institutional approach to democracy support: The Community of Democracies

It has been argued that the criteria for the development of a true pan-European “Concert of Democracies”, a European community supporting and promoting (Western-style) liberal democracy, are by no means clear-cut (Falk, 1998; Archibugi, 2008). However, on 25–27 June 2000, the intergovernmental organization of democracies and democratizing countries, the “Community of Democracies” was founded as an initiative to forge international consensus among countries committed to the democratic path, to together support and deepen democratic norms and practices where they exist, and to defend it where threatened. The Community of Democracies was inaugurated at its first biennial ministerial conference hosted by the government of Poland in Warsaw. The initiative was spearheaded by Polish Foreign Minister Bronislaw Geremek and U.S. Secretary of State, Madeleine Albright, along with six co-conveners: the governments of Chile, the Czech Republic, India, Mali, Portugal and the Republic of Korea. The Community of Democracies is composed of a governmental component made up of government representatives, and a non-governmental component comprising civil society organizations that meet as a group at biennial ministerial conferences. In 2004, Community of Democracies governments also organized themselves into a Democracy Caucus in the United Nations. A Convening Group composed primarily of governments which initiated the Warsaw Conference governs the organization⁷⁾. At the close of the founding conference, the participating governments signed onto the “Warsaw Declaration”, agreeing “to respect and uphold...core democratic principles and practices” including free and fair elections, freedom of speech and expression, equal access to education, rule of law, and freedom of peaceful assembly. While governments are not bound to adopt the proposals of the non-

⁷⁾ Membership in the Community of Democracies is in theory reserved for governments that have shown a commitment to democratic governance as outlined in the Warsaw Declaration, however the organization has yet to develop a definitive and objective invitation process. The current invitation process has come under criticism as being too lax, undermining the credibility of the organization as an organization with a fully democratic membership.

governmental process, the framework of the Community of Democracies provides a forum for the exchange of ideas and experience between governments and civil society actors in the matter of democracy support.

7.5 International election observation missions

The first monitored election was that of the 20 September 1857 plebiscite in Moldavia and Wallachia (located in today's Romania). A plebiscite is a form of consulting the population, which was a rather uncommon rule in those days. A question was presented to the citizens about the organization of their territories. This plebiscite was monitored by most of the major European powers of that time. Austria, the United Kingdom, France, Prussia, Russia and Turkey all sent representatives to observe the elections in the two disputed territories. Nevertheless, election monitoring stayed uncommon until after World War II. Even then, election observation activities did not expand significantly until the end of the Cold War. The process went hand in hand with the dissolving of the stalemate between the two super powers of the U.S. and the Soviet Union and the development of international standards on conducting democratic elections.

In the 1990s, international election observation focused on elections in countries with weak democracies or democracies in transition. In more recent years there has been an increasing number of observer missions monitoring elections in long-standing democracies, including the U.S., France, the United Kingdom and Switzerland. Nevertheless, most election observation missions still go out to democracies in development.

Election observation missions are designed to monitor elections by means of deploying representatives from one or more independent parties (typically from a different country than the one that is holding election) or a non-governmental organization. EOMs take place primarily to assess how an election process is conducted, on the basis of national legislation and international standards. International observation is complemented in many countries by domestic election observation. Monitors do not directly prevent electoral fraud, but rather record and report such instances. EOMs are increasingly looking at the entire electoral process over a longer period of time, rather than at limited Election Day (E-day) proceedings only. The legitimacy of an election can be affected by the criticism of monitors, provided that they are themselves seen as unbiased. A notable individual is often appointed honorary leader of a monitoring organization in an effort to enhance its legitimacy.

Most election observation missions deploy only a small number of long-term observers (LTOs) to their designated Area of Responsibility for a period of 6–8 weeks. A larger number of short-term observers (STOs) then joins the mission for the final phase (2–3 weeks) of the campaign including Election Day. STOs provide mostly quantitative data on observations at the polling stations and counting procedures, with LTOs supplying qualitative analysis and contextual information about the wider political situation. In most EOMs, electoral experts form the core team. Along with the LTOs, the core team begins weeks before the actual Election Day, looking at candidate registration, the legal framework, the media situation, the work of the election administration, and the campaign environment. On Election Day itself, STOs monitor the opening of polling stations, the vote cast, the closing of the polling stations and the counting and tabulation of the results, including midnight transportation of ballots from the polling stations to the district election commissions' office. After Election Day, core team members and LTOs remain in the country for another few weeks to monitor how possible election-related shortcomings and complaints are dealt with by the election administration and the judiciary. The findings of the observers and the core team are made public in reports issued after Election Day: the Preliminary Statement (within twenty-four hours after E-day) and the Final Statement (within six to eight weeks after E-day).

7.6 Key players in international election observation missions

OSCE/ODIHR

Ever since its founding date, in July-August 1973 (as part of the Helsinki Accords), the Organization of Security and Cooperation in Europe has functioned as a community of countries committed to democracy. Throughout the years, the OSCE has placed great emphasis on promoting democratic elections as a key pillar of stability. All OSCE participating States have committed themselves to invite international observers (by binding documents that were agreed upon at the 1999 Istanbul Summit⁸⁾), specifically

⁸⁾ The Istanbul Summit was the 6th OSCE Summit and was held in Turkey on 18–19 November 1999. The Summit resulted in the adoption of the Istanbul Summit Declaration and the signing of the Charter for European Security. Also in Istanbul 1999, 30 OSCE states signed the Agreement on the Adapted Conventional Armed Forces in Europe Treaty, which amended the 1990 Treaty on Conventional Armed Forces in Europe to reflect the changes since the end of the Cold War.

through the OSCE's ODIHR, the Office for Democratic Institutions and Human Rights. The ODIHR is the principal institution of the OSCE dealing with the human dimension of security. The office, originally named 'Office for Free Elections', was created in 1990 by the Charter of Paris and established in 1991. The name of the office was changed in 1992 to reflect the broadened mandate it received at the 1992 Helsinki Summit.

The ODIHR, currently based in Warsaw, Poland, is active throughout the fifty-six participating States of the OSCE. It assists governments to live up to their commitments as participating States of the OSCE in the areas of elections, human rights, democracy, rule of law, and tolerance and non-discrimination. The office also hosts the organization's contact point for Roma and Sinti Issues. For the public eye, the ODIHR is best known for its role in observing elections. Up until 2011 the ODIHR has observed over 230 elections across the OSCE region and has deployed some 35,000 international election observers (ODIHR Election Observation Handbook, p. 8). The OSCE/ODIHR preliminary and final statements on the election process state whether elections have been conducted in line with international standards, referring to the 1990 Copenhagen Commitments. The ODIHR also organizes the annual OSCE Human Dimension Implementation Meeting in Warsaw, Europe's largest human rights conference. The ODIHR's mandate to observe elections derives from Paragraph 8 of the 1990 Copenhagen Document and is confirmed by the 1990 Charter of Paris for a New Europe, the 1993 Document of the Fourth Meeting of the OSCE Council in Rome, the 1994 Budapest Summit Document, and the 1999 Istanbul Summit Document (Charter for European Security).

Congress of local and regional authorities of the Council of Europe

Most EOMs have a mandate to observe Parliamentary Elections. However, EOMs executed by the Congress of the Council of Europe, in cooperation with the Venice Commission, have the special mandate to include Local and Regional Elections in their monitoring as well⁹⁾. The election observation mandate of the Congress of the Council of Europe is unique in this regard. Their practice of observing elections began in the 1990s as part of the consideration of applications for EU membership from a number of new democracies following the fall of the Berlin Wall in 1989. The Congress of the Council of Europe and the European Union Parliamentary Assembly (EU/PA) then started sending observers to countries applying for EU membership. Since 1990, the Congress has observed over sixty-five election processes. The Congress's-Strategy on election observation is based on three

⁹⁾ The Venice Commission is the European Commission for Democracy through Law, an advisory body of the Council of Europe composed of independent experts in the field of constitutional law; it was created in 1990 after the fall of the Berlin Wall, at a time of urgent need for constitutional assistance in Central and Eastern Europe.

major lines of action¹⁰⁾: 1) Election monitoring by the Congress should contribute to setting-up institutional frameworks which comply with the principles underlying local democracy as laid down in the European Charter of Local Self-Government¹¹⁾. In light of this, the Congress puts the accent on post-election dialogue as part of the Congress' work on monitoring of local and regional democracy. The aim is to improve the follow-up given to the recommendations adopted by the Congress following election observation missions and to facilitate their implementation; 2) Election monitoring by the Congress should contribute to promoting awareness about the significance of democracy at the local and regional level; 3) Making full use of the unique role of the Congress in the field of election observation, efforts are also made to increase the operational capability of election observation missions.

Since the mid 1990s, a number of international organizations have gotten into the act of international election observation. From within the European Union, forerunners are the OSCE/ODIHR and the European Union itself. The latter by the means of the European Instrument for Democracy and Human Rights (EIDHR). The Congress of the Council of Europe, as mentioned above, has a special mandate to monitor Local and Regional Elections and is unique in this regard.

NDI and CIS

From its headquarters in Washington D.C., the National Democratic Institute (NDI) works as a non-profit, non-partisan, nongovernmental organization in support of democratic institutions and practices in many regions of the world. NDI has done so since its founding in 1983. NDI and its local partners work to establish and strengthen political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government. It does so, amongst others, by deploying election observers to many major international elections.

The Commonwealth Secretariat in London, UK, formulates the objective to build stronger democratic institutions and processes across the Commonwealth. Through this, the Commonwealth monitors the regular holding of elections, and the inclusion of election management bodies and parliaments as well as key democratic institutions. To this end, the Commonwealth provides training and technical assistance. Also, teams of election observers are sent to elections when invited.

¹⁰⁾ Congress of the Council of Europe Joint Declaration adopted in Prague on 21 September 2004 by the Commission for Constitutional Affairs and European Governance of the Committee of the Regions and the Institutional Committee of the Congress.

¹¹⁾ European Charter of Local Self-Government. Strasbourg, 15.X.1985. CETS No.: 22. Ratification date 1/9/1988.

The Commonwealth of Independent States Election Monitoring Organization (CIS-EMO) is an election monitoring body that was formed in Minsk on March 26, 2004, following a CIS Heads of States meeting that adopted the Convention on the Standards of Democratic Elections, Electoral Rights, and Freedoms in the Member States of the Commonwealth of Independent States. The first CIS mission was sent to observe presidential elections in Belarus held on 9 September 2006. The them mission was composed of 29 observers. CIS-EMO has been sending election observers to CIS members and other countries ever since. The CIS Convention has generalized and formulated more or less progressive categories that had been dispersed in documents of various international organizations. It also founded the basis for contemporary electoral standards within the CIS space. Subsequently, with the aim to exchange information on the protection of human rights, to generalize the experience of developing democracy and parliamentarism, to conduct election observations in the Commonwealth States and abroad, and to train the international observers, CIS-EMO created the International Institute of Monitoring Democracy Development, Parliamentarism and Suffrage Protection for the Citizens of CIS member Nations (Kiev, Ukraine, February 10, 2006).

OAS and DAEU

EOMs executed by the Organization of American States (OAS) take place in Central and South America. OAS EOMs, through OAS's Department for Electoral Cooperation and Observation (DECO), date back to the 1960s, when election observation was still an undefined and rather *ad hoc* concept. OAS-EOMs at that time were first and foremost of a symbolic character. In 2011, however, the OAS adopted the Inter-American Democratic Charter (IADC), developing new paradigms for a more advanced form of collaborative democracy that goes beyond the procedural aspects of democracy, i.e. the holding of elections. It seeks to foster consensus building and cross-sector collaboration to achieve greater social, political and economic development¹²⁾. In the IADC, the OAS assigns an essential role to election observation.

¹²⁾ The Inter-American Democratic Charter was adopted on 11 September 2001 (Lima, Peru) by a special session of the General Assembly of the Organization of American States. It forms an instrument with the central aim of strengthening and upholding democratic institutions in the nations of the Americas. The Charter, which is binding on all thirty-four of the currently active OAS member States, states what democracy entails and specifies how it should be defended when it is under threat. Democracy is one of the founding principles of the OAS. It was enshrined in its charter from the beginning. In 1985, the Protocol of Cartagena de Indias strengthened the charter's original language on democracy by asserting that "representative democracy is an indispensable condition for the stability, peace and development of the region" and "[t]he solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy" (p. 46–48). However, the charter also exhorts the organization to promote democracy "with due respect for the principle of nonintervention," and lacks any mechanism for collective action among the states in defense of democracy. The Carter Centre's (Atlanta, U.S.) Americas Program advised the Organization of American States on the development of the document.

The African Union observes elections in member states through its AU Democracy and Elections Assistance Unit (DEAU). DEAU has a broad mission of not only coordinating and organizing the participation of the African Union in the observation of elections but also to implement the African Union Commission's program for the promotion of democracy and democratic elections in the continent.

The United Nations no longer provides monitoring services; instead it focuses on electoral assistance through the UN Electoral Assistance Division.

NGO's and domestic observer groups

Individual governments also participate in monitoring efforts, generally under the umbrella of an international organization. Local Electoral Commission normally managed these national efforts. A wide array of NGOs also participates in monitoring. The Carter Centre based in Atlanta (Georgia, U.S.) the United Nations Electoral Assistance Division, and the National Democratic Institute played a key role in building consensus on a common set of international principles for election observation. Domestic observer groups complement international election observation in many countries. However, domestic observers tend to be partisan, looking out for the interests of their party. So it is a challenge for international observers to parse the information they receive from these sources. There are, however, also numerous domestic non-partisan observer groups in many countries who carry out their work in the most neutral and objective manner, whereas the objectivity of some international observers can be questioned.

Some well-known accredited domestic observer groups are: in Ivory Coast, the Movement Ivoirien des Droits Humains (MIDH); in Serbia, the Centre for Free Elections and Democracy (CeSID), founded in 1996; in Peru, the organization Transparencia; in Croatia, GONG, that very successfully identified a number of significant shortcomings in the legal framework of national elections and subsequently developed an advocacy strategy to bring about legislative reform. Another notable success, the Central Depository Unit (CDU) in Kenya developed a methodology to monitor election-related violence with the aim of reducing the incidence of violence and lessening impunity for perpetrators of violence. The Electoral Institute of Southern Africa (EISA), was among the first who developed a 'Gender Checklist for Free and Fair Elections'. In the Philippines, NAMFREL, the National Citizens' Movement for Free Elections has been monitoring election processes since 1984 (the Marcos era). The International Society for Fair Elections and Democracy (ISFED) in Georgia conducted a parallel tabulation of votes at the 2 November 2003 Parliamentary Elections, which ultimately led to the Rose Revolution and the downfall of President Eduard Shevardnadze.

7.7 International election observation in support of principles of democracy

International election observation has clearly had positive effects on many elections and represents an important evolutionary step by the international community in promoting the principle of democracy around the world. At the same time, however, the troubling sense lurks that election-observation efforts often involve as much show as substance. Some government officials, journalists and others have made it a habit of misunderstanding and misusing election observation efforts in ways that end up deforming the observation efforts themselves. Nevertheless, election observers have been able to work according to their basic function, that of detecting – and if possible deterring – electoral fraud.

Election observers have drawn attention to fraud in many countries. Carothers (1997, p. 3) mentions two such cases that occurred in the 1980s in the Philippines and Panama. U.S. observers cried foul, to great effect, when President Ferdinand Marcos of the Philippines tried to steal the 1986 snap election. Similar action was seen when General Manuel Antonio Noriega did the same for his chosen candidate in Panama in 1989. International observers usefully highlighted substantial problems with the 6 April 2009 Moldova Parliamentary Elections, where there was social unrest as a public protest after the announcement of preliminary election results by governmental officials (OSCE Final Report on the 6 April 2009 Parliamentary Elections in the Republic of Moldova). These results showed the Party of Communists of the Republic of Moldova winning approximately 50% of the votes. The opposition rejected the election results, accusing the authorities of falsification in the course of counting the votes. OSCE election observation reports showed tampering with ballots and problematic processes related to the process of reconciliation of votes. However, this was not enough in the eyes of a younger generation of protesters in Moldova's capital of Chisinau. Aggression turned towards OSCE officials, core team members and international observers, resulting in observers hastily having to leave the country the day after elections.

Election observers not only publicize electoral fraud but sometimes help to prevent it. Out of fear of being caught by foreign observers, political authorities may abandon malicious plans to rig elections. Few foreign officials would readily admit having had such plans which makes it hard to measure precisely the presumed deterrent effect of electoral observation. Carothers (2002, p. 4) mentions that in reality, the ability of many observer

missions to detect fraud, beyond blatant ballot stuffing, is weak. Very well designed observation effects mounted by experienced organizations (with extensive pre-election coverage, close coordination with domestic monitors, and a parallel vote count) have a chance of catching the subtler forms of wrongdoing, such as manipulation of voter registration lists, strategic ballot-tampering, and small but significant distortions in vote tabulation. Teams of observers who lack experience and who stay only a short time around Election Day are unlikely to see beyond the obvious. Yet governmental officials planning elections in transitional countries often overestimate the ability of foreign observers to detect fraud, at least the first time they deal with them. Thus the deterrent effect of foreign observers can be substantial.

In addition to detecting and deterring fraud, election observation, if properly structured, can help hold together shaky electoral processes in transitional countries that work towards developing their democracy. The sustained engagement of international groups can encourage a wary citizenry to take the electoral process seriously and participate in it. The involvement of international observers may also convince sceptical opposition politicians that competing in the elections is preferable to engaging in civil disobedience or violence.

More generally, international election observation in the past three decades has contributed greatly to the dissemination and strengthening of basic standards of election administration¹³⁾. Over the years, observers have emphasized to election officials, politicians, journalists, civic society and others in countries attempting democratic transitions that, for elections to gain international credibility, certain procedures must be followed. Ballots must be counted at the polling station and the results for each station must be made public by posting results at the site; measures must be taken to ensure that voters cast only one ballot; voter-registration lists must be posted in public areas before election day; poll workers must be trained; local political party observers and domestic monitoring groups must be allowed to monitor the process; and so forth. In combination with extensive technical assistance to help election commissions affect such reforms, these efforts have led to significant improvements in the quality of many elections. They have also established a much broader recognition of a set of 'best practices' concerning the administration of elections.

But even though it can be concluded that international election observation has developed considerably over the past decade and has helped to improve elections in many countries, it cannot be argued that election observation is the cure to all fraudulent electoral disease. Flawed elections occur frequently despite the presence of international observers. Examples of this over the past years were seen in Albania and Belarus.

Headed by Ambassador Audrey Glover of the United Kingdom, the EOM deployed to the

¹³⁾ International IDEA (2002). International Electoral Standards. Guidelines for Reviewing the Legal Framework of Elections.

28 June 2009 Parliamentary Elections in Albania consisted of 40 core team members, multiple LTOs from twenty OSCE participating States (who were based in Tirana and 11 regional centres) and a large number of STOs. For Election Day observation, the OSCE/ODIHR joined efforts with observer delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the NATO Parliamentary Assembly. Altogether, some 395 observers from 38 OSCE participating States were deployed to monitor proceedings on Election Day. According to the OSCE Final Statement on the 28 June 2009 Parliamentary Elections in the Republic of Albania (OSCE/ODIHR, 2009, p. 14):

“While meeting most OSCE commitments, these elections did not fully realize Albania’s potential to adhere to the highest standards for democratic elections. The conduct of democratic elections depends also largely upon the commitment of all Albanian political parties to respect the letter and the purpose of the law and to discharge their electoral duties in a responsible manner in order to preserve the integrity of the process.”

As it turned out, OSCE observers reported that voter lists, which had been compiled on the basis of modernized civil registers, were still hugely lacking uniform systems for registration of addresses, although this should have been an essential part of the reform efforts. Also, observers witnessed fraudulent practices in the on-going distribution of identity cards. As it turned out, this was a key issue for a large group of voters never receiving their new identity cards, hence not being able to vote. At the end of the 2009 Albanian Election Day, the massive involvement of foreign observers could not prevent an extremely slow and problematic vote-counting process.

At the 19 December 2010 Presidential Elections in Belarus, it was clear by the evening of Election Day already that the incumbent, President Lukashenko (President of Belarus since July 1994), would be declared the victor. The day after elections, opposition candidates gathered their supporters for a march to Independence Square in the heart of Minsk. A group led by opposition candidate Neklyayev, who, according to official results, received only 1.8 percent of the votes, subsequently was blocked by security personnel and police forces. In the rampage that followed, police and members of the Belarus intelligence service began beating the protesters. Neklyayev and many others were seriously injured. Despite the police brutality, however, over 10,000 Lukashenko opponents gathered in the capital to protest what they saw as election fraud. The opposition was particularly critical of the prevalent practice of casting ballots prior to Election Day. International election observers from the OSCE reported that the election process was non-transparent and easy to manipulate (OSCE Statement on Preliminary Findings and Conclusions for the 19 December 2010 Presidential Elections in the Republic of Belarus). Furthermore, they observed that the opposition was severely limited in the number of observers they could send to regional election commission headquarters. OSCE observers were unanimous in

their disapproval of the election process. They reported control of the media, excessive use of force by the authorities and numerous technical flaws in the voting process.

In both cases, observers noted but could not forestall the problems that arose. In part this reflects the inevitable limitations of observing. Foreign observers cannot force profoundly polarized political factions to cooperate with one another. Also, they cannot counter the deeply anti-democratic instincts of a strongman's intent of holding on to power. And they cannot guarantee that the international community or individual nation will back up findings of electoral fraud with any punitive action. The continuation of problems with elections in many countries indicates that, despite significant evolution of election monitoring over the past three decades, election observing still has a number of shortcomings.

Carothers (1997) lists the following aspects of election observing that are causing these shortcomings. To begin with, election observation has attracted too many groups of observers: international observers, national or domestic observers, partisan observers, observers from (I)NGOs. In the light of the variety of observers, it can be questioned whether all of them have equal high levels of professionalism, generating equal high-level quality of the work. Highly performing observers adhere to their Code of Conduct, know their jargon ('election lingo'), possess in-depth knowledge about the electoral system and electoral administration and understand the local socio-political environment¹⁴. Poorly performing observers can be spotted behaving in an embarrassing, unprofessional and patronizing way. They may deluge election commissions with requests for briefings during the most critical of administrative procedures or are caught in trainers and slippers giving hasty post-election statements to sensation seeking media¹⁵. Another problem is the disproportionate attention that observers give to Election Day itself. E-day might be the tangible epitome of what is at the heart of a democracy; realistically speaking, it is just another activity in a long and strong chain of procedures constituting free and fair democracy. Just as important as that adventurous and attention catching

¹⁴) International IDEA (1997). Code of Conduct. Ethical and Professional Observation of Elections. Stockholm: IDEA.
Goodwin-Gill, G. (1998). Codes of Conduct for Elections. Geneva: Inter-Parliamentary Union.

¹⁵) Successful EOMs rely heavily on the quality of their observers. Since 2002, it has become common practice within the European Council (European Instrument for Democracy and Human Rights, EIDHR) and the OSCE/ODIHR that the professional performance and the individual behaviour of EOM observers is properly assessed, appraised and reported. In the case of EU EOMs, reports are entered into a database (i.e. the digital EU EOM roster). The European Council, in 2009 realizing that the evaluation system that was in use had become outdated, challenged itself by executing an 'evaluation of the evaluation' project (European Commission Directorate General, Election Sector, EuropeAid Co-operation Office. Project: "On the Reform of the European Union Election Observers' Evaluation and Assessment System" (FWC Beneficiaries 2009 LOT 13: Humanitarian Aid, Crisis Management & Post-Crisis Assistance, EuropeAid/127054/C/SER/multi, Project Team Leader: Caecilia J. van Peski. Electoral expert: Delphine E. Blanchet). The project results showed improvements that are in line with the current realities of EU EOMs. Hence, the new system of assessment of the EU EOMs human resources was designed to work from the following four leading paradigms: 1) Fairness; 2) Transparency; 3) Competence-based; 4) Growth-oriented. The three steps include important aspects of the work of the observer related to gender sensitivity, team versus individual assessment, cultural competence, and intra- and inter-personal competence. Resulting from the overall model, observers' evaluation directs towards: 1) the need for continuous evaluation; 2) training needs for observers on the specific topic of evaluation and receiving feed-back; 3) training needs for evaluators; 4) observation and evaluation of try-out sessions; 5) allocation of specific moments of evaluation. With this, the European Council became forerunner in subscribing to the viewpoint that evaluation is the key element of the recruitment and career of international election observers.

E-day is the passage of a nation's election law, the registration of parties and candidates, the preparation of voters lists, media coverage of competing parties and candidates, during the campaign, campaign financing, the adjudication of complaints lodged against the election commission, and so on.

7.8 Conclusions

Given that international election observation will continue for some time, it is worth considering how it can be improved. The evolution away from short-term, in-and-out missions to longer-term, more comprehensive missions should continue. Observers must continue to strive for professionalism and adherence to the highest achievable quality standards. They should counteract the pressures that lead observers away from being neutral, objective, knowledgeable and wise assessors. Also, observers must pay close attention to the political setting of the elections that they observe, being careful not to perpetuate the flawed notions of fraud and deceit.

OSCE EOMs take place mainly in ex-communist OSCE participating States. This situation raises controversial comments. Selective approach is justified by the fact that these countries do not have very much experience with the democratic processes and therefore need the support of the OSCE more than Western states. Since the OSCE's resources are limited, they are best spent in transition countries.

On the other hand, it has been argued that election monitoring in Western Europe would be important. Treating all OSCE participating States equal would be a sign of solidarity and justice. Western countries would no longer perform like teachers and judges, pretending in a patronizing way (Gerrits, 2006) that democracies in the West are picture perfect. Rather they would admit that they, too, must continue a process of steady learning and improvement. Besides, there is much scope for improvement of electoral processes in Western countries. Whether Berlusconi's Presidential Election in Italy (8 May 2006) met the standards of unbiased media coverage is questionable. The fact that 18 percent of Swiss population cannot vote because they are foreigners, even if many of them were born in the country seems problematic in the light of the criteria of universality. In the Dutch local elections of 3 March 2010, a recount of votes was called in Rotterdam when the second largest of the two rivalling parties (Leefbaar Rotterdam, LP) contested its opponent (Partij van de Arbeid, PvdA) by filing complaints about the voting and counting process. LP claimed that a number of voters had received more than one ballot paper in their name and hence had voted more than once. Also it claimed that at one particular polling station, one hundred more votes were cast than the original number

of ballot papers that the polling station had received. The 8 March massive recount operation did not make a difference for the party in the lead (PvdA). However it did show a difference of plus 103 votes in favour of the party that lost (before the recount 651, after 754).

The examples of Western election-related shortcomings could be multiplied. Election observation could help Western countries to become aware of shortcomings in their own electoral processes and to gradually improve the situation. EU and OSCE's election observation have acquired a unique experience in this field over the years. While it is difficult to measure the impact, it seems that the EU and OSCE contributions to more democratic elections in its participating States and other countries in the world have been substantial. With relatively limited resources, the organizations have managed to conduct an incredible range of activities, which met widespread support. It seems reasonable to state that the EU and the OSCE hold a strong comparative advantage in the field of election observation in particular and, in the case of the OSCE, in the Human Dimension in general.

7.9 Literature

Acemoglu, D. and J.A. Robinson, (2006). *Economic Origins of Dictatorship and Democracy*. Cambridge, U.S.: Cambridge University Press.

Albertus, M. and V.A. Menaldo (2010). Coercive Capacity and the Prospects for Democratization. *Comparative Politics*, Oct. 20, 2010, 271–276.

Archibugi, D. (2008). *The Global Commonwealth of Citizens. Toward Cosmopolitan Democracy*. Princeton, U.S.: Princeton University Press.

Bader, V. (1999). For Love of Country. *Political Theory*, 27(3), London, UK: Sage Publications., 379–397

Bader, V. (2003). Democratic Institutional Pluralism and Cultural Diversity. *The Social Construction of Diversity*, Juteay and Harzig (Eds.), 131–167.

Bader, V. (2007). *Secularism or Democracy. Associational Governance or Religious Diversity*. Amsterdam, the Netherlands: Amsterdam University Press.

- Carothers, Th. (1997). The Rise of Election Monitoring. The observer observed. *Journal of Democracy*, 8(3), 1–12.
- Carothers, Th. (2002). The End of the Transition Paradigm. *Journal of Democracy*. 13(1), 5–21.
European Commission, Handbook for European Union Election Observation Missions. Brussels.
- Diamond, L. (1996). Is the Third Wave Over? *Journal of Democracy*, 7(3), 20–37.
- Falk, R. (1998). *On Humane Governance*. Cambridge, UK: Polity Press.
- Gerrits, A. (2006). *Democratie door interventie. De Nieuwe White Man's Burden?* Amsterdam: Amsterdam University Press.
- Goodwin-Gill, G. (1994). *Free and Fair Elections. International Law and Practice*. Geneva, CH: Inter-Parliamentary Union.
- Held, D. (2000). Cosmopolitanism – Taming Globalization. *Held and McGrew (Eds.), The Global Transformations Reader*, (8), 145–167. Cambridge, UK: Polity Press.
- Held, D. (2003). Cosmopolitanism – Globalisation Tamed. *Review of International Studies*, 29, 465–480. British International Studies Association, UK.
- Huntington, S.P. (1991). Democracy's Third Wave. *Journal of Democracy*, 2(2), 12–34.
- Jacobs, M.C. (2006). *Strangers Nowhere in the World, the Rise of Cosmopolitanism in Early Modern Europe*. Philadelphia, U.S.: University of Pennsylvania Press.
- Kagan, R. (May 13, 2008). The Case for a League of Democracies. *Financial Times*.
- Karns, M.P. and K.A. Mingst (2004). *International Organizations: The Politics and Process of Global Governance*. Boulder, U.S.: Lynne Rienner Publishers.
- Kenny, M. (2004). *The Politics of Identity. Liberal Political Theory and the Dilemma's of Difference*. Cambridge, UK: Polity Press.
- Kim, U. (2001). Culture, science and indigenous psychologies: an integrated analysis. *D. Matsumoto (Ed.), Handbook of culture and psychology*. Oxford, UK: Oxford University Press.
- Kymlicka, W. (2002). *Contemporary Political Philosophy; an Introduction*. Oxford, UK: Oxford University Press.

López-Pintor, R. (2000). *Electoral Management Bodies as Institutions of Governance*. New York: UNDP.

López-Pintor, R. (2004). *Post-Conflict Elections and Democratization. An Experience Review*. Draft paper for USAID.

Suksi, M. (2002). The Electoral Cycle: On the Right to Participate in the Electoral Process. Suksi, M, and Hinz V. U. (eds.). *Election Elements: On the International Standards of Electoral Participation*. Turku/Abo: Institute for Human Rights, Abo Akademi University, 1–42.

8

Analyzing observer report forms: an overview

8.1 Introduction

8.2 The design of the observer report forms

- Copenhagen principles and Observer Report Forms

8.3 Deployment, data collection and analyses

- Data collection and analysis

8.4 Results: the overall assessment indicator

8.5 Results: 1996–2010

- Overall assessment

8.6 Conclusions and discussion

8.7 Literature

8 Analyzing observer report forms: an overview

Hans Schmeets

8.1 Introduction

Based on the 1990 Copenhagen Commitments, the Organisation for Security and Cooperation in Europe (OSCE) observes the elections of its 56 member states. For this purpose an Election Observation Mission (EOM) is on the ground to assess the various phases of an election: before, during and after Election Day.¹⁾ In order to assess the elections, the OSCE member states are requested to send international observers: long-term observers (LTOs) to cover the whole election period during 2 to 3 months, and short-term observers (STOs) who stay for a week around Election Day. The OSCE Office for Democratic Institutions and Human Rights (ODIHR), based in Warsaw, provides the methodology and coordination for such an EOM.

The coordination is conducted by the core team of the EOM: a group of some 10 international experts, together with local staff. This team includes various positions, such as a Head of Mission, its deputy, election, political, legal and statistical analysts, logistics experts; and in some missions a gender, minority and/or electronic voting expert also joins this team. The STOs visit the polling stations and report their observations in a questionnaire. Soon after, usually within 24 hours on the day after E-day, the ODIHR releases a preliminary statement about the elections. The ODIHR publishes a final election report with recommendations within approximately six to ten weeks after the completion of the electoral process.

¹⁾ This is a common practice for the assessment of election for countries in transition or new democracies. Another approach is a limited election mission, without STOs, which is called an Election Assessment Mission (EAM). Such EAMs have become more popular in recent years as a tool to cover also the elections in other member states, merely in old democracies.

Each year, the ODIHR deploys thousands of observers to monitor elections throughout the OSCE region in order to assess the compliance of the participating States with OSCE election-related commitments. In a nutshell, the role of the STOs in an EOM can be characterised as follows. The STOs are deployed in the country to collect the information and to record their findings in the observer report forms provided (the questionnaires).

The questions in the forms guide the STOs through the various aspects of what and how they should observe. Several times during the day the STO teams are requested to deliver their material to the Long Term Observer (LTO) or directly fax the forms to the EOM headquarter in the capital: in the morning before the lunch break, in the afternoon shortly before they are going to observe the counting process, and finally after they have accompanied the Precinct Election Commission (PEC) to the tabulation centre in the district, where they witnessed the handover and tabulation of the protocol. Then, the observers are allowed to sleep, after a long and exhausting working day.

In recent years, apart from the regular observer teams, also the so-called Tabulation teams (often indicated as A- and B-teams) are deployed to cover the whole period in the tabulation centre. Such B-teams will visit a few stations in the morning, go to sleep, and return in the evening shortly after the closing of the polling stations.

If necessary, on Election Day, the observer teams are requested by the LTOs and the core team to give additional information of what they have seen or heard during their observations. This is often the case whenever they observe severe irregularities: e.g. ballot box stuffing, strong intimidation, unrest in the polling stations, clear evidence of fraud, and observers or voters being dispelled from the polling stations. In most elections, the STOs have to attend the regional debriefing in the morning together with other observer teams in the specific area and the LTO team.

The job of the STOs is basically done at that stage. Those who are deployed in the regions have to return to the capital and, together with the other observer teams, attending the general debriefing, which usually takes place two days after the elections.

The debriefing starts with an outline of the statement, and some details on the – sometimes tough – negotiations with various other delegations. In most EOMs the OSCE Parliamentary Assembly, the European Parliament, and the Parliamentary Assembly of the Council of Europe (PACE), and sometimes also NATO joins the meetings to discuss the drafts of the preliminary statement which has been prepared by the core-team of the EOM in consultation with the OSCE/ODIHR staff. This statement has to be released at the press conference in the afternoon the following day after the elections, and includes the findings of the observers.

Observers may respond to the (explanation) of the statement, and they might in particular do so when their own observations do not correspond with the main conclusions in the statement. Next, the debriefing covers the various steps in the process of the observation – starting with the opening and then followed by the consecutive voting, counting and tabulation process.

However, for many observers the whole process of data collection, the data processing, the analysis and the interpretation of the findings is a ‘black box’. Actually, they do not know how their findings are included in the statements. In addition, they may challenge the conclusions in the statements (Lange, 1997; Smeets, 1997; Van Cranenburgh, 1997). Van Binsbergen and Abbink (2000, p. 272) raise their concern as follows: “A major point of concern on the part of individual electoral observers is therefore the way in which their individual report is incorporated in the official assessment statement as issued by the international organisation of which the individual electoral observer is a member.”

This paper focuses on the steps in the research starting from defining the observer report forms, the deployment plan and, finally, the analysis of the observers’ findings. In doing so, the aforementioned black box will be opened. It will be demonstrated that in an EOM – considering the time constraints of a few hours between receiving the forms and the release of the preliminary statement – one question in the forms is crucial: the overall indicator whether the several stages in the election are assessed as ‘very good’, ‘good’, ‘bad’ or ‘very bad’. This leading indicator reflects other problems and irregularities observed, thereby serving as an important guideline for the assessment of an election.

This article addresses following research questions:

1. Operationalisation: How are the OSCE Copenhagen Commitments defined in the Observer Report Forms?
2. The method: How is the methodology implemented in terms of deployment plan, data collection and analyses?
3. Interpretation: How are the findings interpreted along the lines of...
 - a. The assessment of the elections into very bad, bad, good and very good;
 - b. The correlation between the assessment of the voting and counting process;
 - c. The development of the assessments, 1996–2010;
 - d. The OSCE regional profile of the elections.

8.2 The design of the observer report forms

Design history

The OSCE started to set up an EOM in 1996 to observe the Russian presidential elections. This was a joint effort together with the European Union – who fielded an European Union Election Unit to assist the OSCE. This also included support in developing a new design of the observer report forms. This new design was needed as the observer report form – used for the 1995 Russian State Duma Elections – was not in a good shape. The report forms covered only nine Yes/No questions on the circumstances and procedures, of which 4 outside and 5 inside the polling stations. In addition, one question was included on the presence of authorised people and another one on election material. On the second page of the form there was space for additional comments. However, many principles of a questionnaire design were violated (Jenkins and Dillman, 1997; Schmeets, 1998, pp. 49–55).

For the upcoming Russian presidential elections, in June, the forms had to be improved. This was done by a joint effort of some Dutch scientists and Statistics Netherlands. The result was a booklet in which 10 voting reports and 2 counting reports were included (Akkerboom and Schmeets, 1998). This design was also used for the EOM in Bosnia-Herzegovina 1996 (Schmeets & Exel, 1997; Schmeets, 1998) and was characterised by a specific layout in which several sections were distinguished: (A) Place, Observers/Time/Voters, (B) Accessibility; (C) Irregularities observed as to (a) circumstances, (b) procedures, (c) comprehension; (D) People present; (E) Irregularities reported; (F) Scale questions (from very good to very bad) on the circumstances and procedures followed.

In addition, the overall indicator was included: 'In general, do you feel the voting process was conducted properly' (Yes/No). And on this 4-page Report Form there was enough space for additional comments. Thereafter, further improvements were introduced for the upcoming missions. The answer categories of the overall indicator were changed into 'very bad, bad, good and very good' to increase variance in the observer's findings. In addition, there was deliberately no option for a don't know to avoid observer teams using this option as an escape if they preferred to have no opinion. As after a 30 minutes stay in a polling station, observers should have an opinion about this specific polling station, it was decided to use the four answer categories – a very good, a good, a bad or a very bad one – and not extending the answer options by a position in between good and bad, such as 'not

good, not bad'. In fact, such answer option would also serve as a 'don't know/no opinion' option for those (less experienced) observer teams who prefer not to make a choice.

This overall indicator became a very important tool in the assessment of the elections based on the STOs' findings and has been used in almost all EOMs so far. Also the place in the form did not change: after the procedural problems and before the scale-questions in which observers were requested to provide an overall assessment on the specific aspects of the election process.

Apart from a questionnaire for the voting and counting process, a specific questionnaire was developed for the opening and tabulation procedures. In addition, a specific form was introduced for additional comments and extraordinary observations, the so-called E-Form, resulting in a total of five different forms.²⁾

Another improvement was the fine-tuning of the answer options. For some procedural questions, the answer categories were amended from Yes/No into always/mostly/sometimes/never. This concerns the question on the procedural steps in the polling stations, such as 'checking observers' ID', 'Voters signing the Voters' List'. As of 2003 the questionnaires are more or less standardised, and changes are only considered if this is needed because of specific regulations in the election law and/or specific election related issues. The forms include approximately 50 questions for the 2-page voting and counting form, and 25 questions for the 1-page opening and tabulation form.

A new development in recent years is the introduction of observer teams covering the whole tabulation. For those teams a specific tabulation form has been developed, which is slightly different from regular tabulation forms for observers who observe the handling of the protocols from their observed counting station to the tabulation centre. Such stationary tabulation teams – in an EOM indicated as B-teams to be distinguished from the other A-teams – are requested to fill out more forms during their stay, for example after 5 PECs have delivered their protocol.

The observer report forms have not only been implemented in the OSCE EOMs, but were also used in various Council of Europe EOMs in Kosovo from 2000 onwards, and are included in the EU Handbook for European Union Election Observation (EU, 2008, pp. 192–196).

Copenhagen principles and Observer Report Forms

The OSCE/ODIHR refrains in their statements from the terms 'free and fair'. Many scholars (Balch, Granstedt & Kelly, 1997; Carothers, 1997; Goodwin-Gill, 1994; Kumar, 1998; Van Cranenburgh, 2000) have criticized the use of such terms. It is common practice that

²⁾ For the four consecutive steps in the process, the forms are labelled in 'A' for the opening, 'B' for the voting, 'C' for the counting and 'D' for the tabulation observations.

journalists during the presentation of the preliminary statement ask whether this election can be characterised as 'free and fair'. The prompt answer of the Head of Mission is that OSCE/ODIHR never uses these words, but always refers to the 1990 "OSCE Commitments" and whether the elections are in line with the specific paragraphs in those commitments.

The "OSCE Commitments" agreed upon in 1990 can be summarised by seven key words: equal, fair, secret, free, universal, transparent and accountable (OSCE/ODIHR, 1998, p. 3). These principles can be retraced from the principles of Article 25 of the International Covenant on Civil and Political Rights (Hinz, 2003):

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. To vote and to be elected at genuine periodic elections which shall be universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c. To have access, on general terms of equality, to public service in his country

Most of these seven principles can be checked (in part) by observation on polling day. Voters should have equal access to the polling stations; safeguards should be implemented to guarantee that the principle of one person-one vote is not violated, such as no proxy-voting and that the voter has to cast his vote in person. The secrecy can only be guaranteed if the voter casts his or her vote alone, only a single person should be allowed in a polling booth. Fairness refers to voters' exposure to basic information about all contestants in the election and the fundamental issues they represent. On polling day it is forbidden to have campaign material in the vicinity or inside the polling station. This leads to the principle of a free election, without any intimidation or pressure. Furthermore, the universal suffrage refers to the fact that no (groups of) eligible voters should be refused to vote. This also implies that Voters' Lists are updated and accurate. The transparency is crucial in an election as international observers, NGO's and party or candidate representatives should have a clear view of the various stages in the process: the opening, voting, counting and tabulation of the results. The accountability refers to the period after the election and verifies whether elected people take office. The will of the electorate needs to be guaranteed and the elected must take their seats in parliament or other institutions.

However, a shortage in research on elections has been the translation of the 'free and fairness' into concrete dimensions and variables (see e.g. Beigbeder, 1994; Elklit, 1994; Elklit and Svenson, 1997; Goodwin-Gill, 1994). In Schmeets (2002) it has been attempted to over bridge this gap by providing an overview of the questions in the observer report forms in 13 elections in the period 1996–2001 and to attach the seven key words to each single question. For example questions such as 'voting outside polling booth', 'group or

family voting', 'voters marking ballots in secrecy' refer to the keyword 'secret'. The key word 'free' is linked to the questions 'intimidation', 'agitation/unrest', 'unauthorised people present'. The universality is included in the form by questions referring to the denial of voters to cast their vote, such as 'Any voters refused the right to vote'. Most questions in the forms deal with the 'equal' principle. Basically, all the violations against the procedural steps in an election are linked to the idea that one person should have one vote, such as 'Voters identity checked', 'Voters signing the Voters' List', 'Ballot papers signed and stamped', and more severe irregularities such as 'Ballot box stuffing'. Questions related to campaign activities refer to the fair principle, and in particular the counting and tabulation form, many questions were linked to the principle of transparency. For questions such as 'Other problems in the vicinity of the polling station' or 'Other procedural problems' it was obviously not possible assigning one out of the seven keywords; for such questions the label 'general' was introduced.

This overview reveals that the key principles are directly and unambiguously reflected and measured by the questions in the observer report forms. This has an important advantage, as the observers' findings on Election Day do not only provide information on the several phases in the election process, but also reveal which principles are violated.

8.3 Deployment, data collection and analyses

Deployment

The methodology in an EOM is based on survey methodology. In many surveys a person or a household is the unit of analysis; in an EOM the unit of analysis is a polling station. The observers' findings will be summarised in point estimates, and correlations have to be tested on their significance. For that sake, the deployment plan should be based on a random sample of polling stations. It is a sample in space (the regional variation) and time (as observers stay only 30 minutes). Whenever feasible, observers cover all regions, the so-called LTO areas, indicating that the country is divided in regions based on the deployment of the LTOs. The observers are requested to cover a specific area in this LTO region. In this way, the deployment meets a random sample. This is however not sufficient. A substantial number of observations are needed to ensure reasonable confidence

intervals. In most EOMs that should not be a problem for the assessment of the voting process. On average observer teams cover some 12 polling stations, and 100 teams (200 observers) will produce 1,200 reports. For the opening, counting and tabulation a substantially lower number of observations is realised. A maximum of 1 report per team yields a maximum of 100 reports, and consequently huge margins around the estimates. Obviously, more observers – some 400 to 500 – are needed to cover these stages on Election Day as well.

Data collection and analysis

During Election Day and night the STO report forms are handed over or faxed to the EOM headquarter. The report forms are immediately processed by local data entry people. For each form (opening, voting, counting, tabulation) a data-entry programme, based on MS ACCESS, is created. In the next step the data are imported into SPSS sav-files – and this process is updated several times during Election Day and night. All forms have a unique number, so each form can be checked with the information in the database. In addition, a check for duplicates is needed as some forms might have been faxed more than once.

Tables are produced showing the problems and irregularities, starting with the observations of the opening procedures, and followed by the observations of the consecutive voting, counting and tabulation process. Apart from frequencies, cross-tables and regression analyses are conducted to provide regional details, and to link the specific problems and irregularities with the overall assessment indicator. Severe irregularities – such as ballot box stuffing, intimidation of voters and observers – will be checked by producing listings of teams, irregularities and the overall indicator. In cases of doubt, such irregularities will be checked by the forms, in order to identify whether there is an error made in the data processing. In addition, information on the number of registered voters, voters on the supplementary list (if relevant) and the number of voters who have cast their vote up to the time of the observation will be used to estimate turnout rates at various times of the day, to be compared to official turnout figures. At the same time, core team members read through the qualitative comments provided by observers in the E-Forms in order to produce an overview in a database of problems and to identify significant violations. Obviously, the methodology in an EOM is based on a mixture of a quantitative and qualitative approach.

When it comes to the interpretation of the specific problems and irregularities, we heavily rely on the findings and analysis in other EOMs. There exist clear patterns in the results. Some problems are more highly correlated with the overall indicator than others; and this is very consistent in the elections across countries. Some problems are evidently stronger violations than others, which is again and again demonstrated by the empirical results.

But the experiences based on previous EOMs are also relevant for the interpretation of the percentages of the specific problems and irregularities observed. For example, if intimidation is observed in 5 percent of the polling stations, it is obvious that this is a serious problem in that particular election, as intimidation – as an indicator of the ‘free’ principle – is observed in a maximum of 2 percent of the observations in almost all elections. On the other hand, a 5 percent ‘family or group voting’ is a rather low figure and is even a positive indication concerning the principle of ‘secrecy’ in an election. However, the most important guideline whether an election is marred with many problems and irregularities is the overall indicator. This will be outlined in the next chapters.

8.4 Results: the overall assessment indicator

In Schmeets (2002) it is outlined that the questionnaire for the observation of the voting process includes 24 core questions used in all 13 EOMs conducted before 2002 (Table 8.4.1).³⁾ By using ‘Homogeneity analysis by means of alternating least squares’ (HOMALS) it is demonstrated that the 24 problems are strongly correlated and refer to one dimension: the so-called ‘Standard Election Observation Voting Index’.⁴⁾

For each election the category quantifications are calculated, as well as the mean and median scores based on the 13 elections in Russia, Bosnia, Albania, Armenia, Georgia and the province of Kosovo. The correlation (Pearson’s R) between the mean and median score is 0.91 – but we chose the median to avoid the outliers in some elections. These quantifications serve as weights for the impact of the 24 problems on the overall problem score. In particular ‘disruptions inside the polling station’, ‘intimidation’, and ‘agitation/unrest’ contribute to the overall score (median weights > 3). Other problems – in particular ‘voters refused to vote’ – do not contribute substantially (median = 0.20) to the overall latent variable.

In the next step the proportion of the specific problems is multiplied with this weight, resulting in a problem score for all 13 elections, ranging from 0.74 in Kosovo 2001 to 3.19 in Georgia 1999 (see Table 8.4.2). The correlation between the overall assessment and

³⁾ In further research the number of EOMs will be extended.

⁴⁾ A one dimensional Homogeneity analysis can be interpreted as a non-linear principal component analysis (PCA). The solution of the PCA is identical to Homals if the category-quantifications are included as input into the PCA (Meulman, 1982).

8.4.1 Selected problems and irregularities in the voting process, OSCE/ODIHR principles, and weights (mean and median) calculated by Homals analyses in EOMs in Russia, Bosnia, Albania, Armenia, Georgia and Kosovo

Problems observed	Principle	Mean	Median
Circumstances outside PS			
1 Access difficult	Equal	0.80	0.80
2 Campaigning outside	Fair	1.18	1.25
3 Other problems vicinity	General	2.40	2.37
Circumstances inside PS			
4 Disruptions inside PS	Equal	4.43	4.34
5 Overcrowded	Equal	1.43	1.25
6 Intimidation	Free	4.02	4.04
7 Agitation / unrest	Free	3.33	3.67
8 Campaigning inside PS	Fair	2.36	2.04
9 Other circumstances	General	1.78	1.66
Procedures			
10 Material not sufficient	Equal	1.09	1.07
11 Ballot box sealed	Secret	0.99	0.68
12 Ballots signed / receipt	Equal	0.99	1.07
13 Multiple voting / ink	Equal	1.92	2.03
14 Voters refused to vote	Universal	0.37	0.20
15 Identification	Equal	1.87	1.23
16 Voters signed List	Equal	2.05	1.39
17 ID-entered / ink applied	Equal	1.41	1.29
18 Illiterate / handicapped	Equal	0.68	0.76
19 Voting outside booth	Secret	2.09	2.16
20 Family voting	Secret	0.72	0.71
21 Secrecy	Secret	2.58	2.57
22 Other procedures	General	1.30	1.32
People present			
23 Unauthorised persons	Free	1.40	1.24
24 Police inside PS	Free	0.83	0.67

Source: Schmeets, 2002, p. 200.

the problem score is high (Pearson's $R = 0.90$). This indicates that the overall assessment reflects the 24 problems and irregularities quite well. Low percentages of the overall assessment are associated with low problem scores (around 1.00). On the other hand, a more negative evaluation – such as 21.3 percent bad to very bad assessed polling stations in the 1999 parliamentary election in Georgia – corresponds with a high problem score (3.19). The high correlation between the problem score and the overall indicator is also reflected in the correlations on a lower level: the bivariate correlations between the specific problems and irregularities and the overall assessment in the 13 EOMs (Schmeets, 2002, pp. 167–184). The pattern is very consistent: (a) if a problem or irregularity is noticed, the overall assessment is more negative; (b) the strength of the correlations is quite similar across the 13 EOM's. This is also true for all other EOMs from 2001 onwards.

Unfortunately, the same procedure could not be applied for the vote count observations since there is no consistent pattern of items across both time and countries. Eventually,

we used the two scale questions – the judgements on the organisation of the vote count, and on the understanding of the procedures by the PEC – from 1=very good to 5=very bad – together with the overall indicator to calculate the sum score (Cronbach's alpha = 0.85 in Armenia 1998 to 0.94 in Georgia 2000) to define the so-called Standard Election Observation Counting Index (SEOCI). The correlation between the SEOCI and SEOCI is 0.78, which indicates that problems observed during the voting process are a rather good predictor for the problems in the next phase of the observation: the count of the votes.

8.4.2 Total problem score based on Standard Election Observation Voting Index and percentage bad to very bad reports based on overall assessment indicator in EOMs in Russia, Bosnia, Albania, Armenia, Georgia and Kosovo

Country and year	Russia 1996		Bosnia 1996	Albania 1997		Bosnia 1997	Armenia 1998	
	Round 1	Round 2		Round 1	Round 2		Round 1	Round 2
Problem score	0.98	1.06	1.22	2.20	2.17	1.11	2.12	1.62
	<i>Bad to very bad assesment</i>							
	%							
	2.2	1.8	3.1	11.7	8.2	3.2	16.1	13.4
	<i>n</i>							
	1,377	1,025	4,101	1,944	659	3,033	1,001	734
	Armenia 1999		Georgia 1999	Georgia 2000	Kosovo 2000	Kosovo 2001		
Problem score	1.65	3.19	2.40	2.14	0.74			
	<i>Bad to very bad assesment</i>							
	%							
	13.1	21.3	15.6	10.4	1.9			
	<i>n</i>							
	1,053	800	747	1,055	1.24			

Source: Schmeets, 2002, p. 197 and 204.

Since 2001, many more EOMs have been conducted. In the following paragraphs the results based on 92 EOMs will be discussed. For this overview the results of the overall indicator in the voting and counting process will be used. In line with the 13 EOMs described it is assumed that the overall indicator summarizes the specific problems and irregularities observed in an election.

8.5 Results: 1996–2010

Deployment of observers

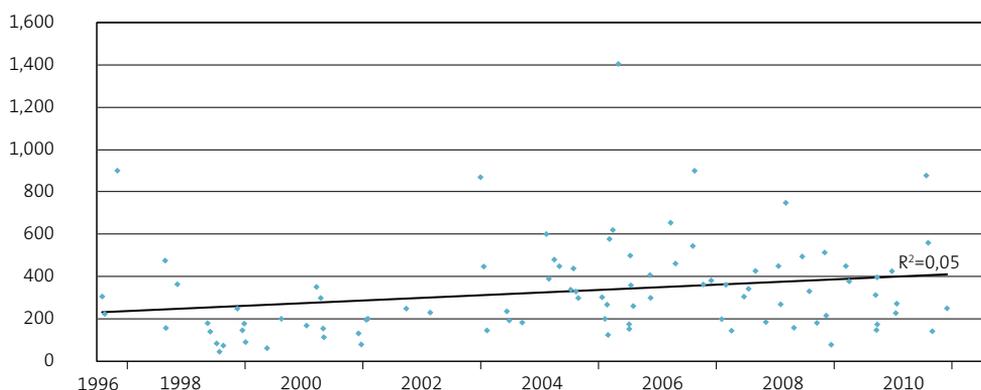
From 1996 onwards, over 100 EOMs have been conducted in the OSCE region. Of some 50 EOMs data are available in .sav-files, and from others the key-information as well as some specific problems and irregularities, and the overall assessment is available in the OSCE/ODIHR election reports. This information is included in an excel database of 92 EOMs in the OSCE-region in following 20 OSCE countries (number of missions in brackets): Albania (6), Armenia (8), Azerbaijan (5), Belarus (3), Bosnia (6), Croatia (2), Czech Republic (1), Estonia (1), Georgia (8), Hungary (2), Kazakhstan (3), Kyrgyzstan (5), Kosovo (5), Macedonia (14), Moldova (4), Montenegro (4), Russia (4), Serbia (1), Tajikistan (3) and Ukraine (6).

Almost all EOMs were conducted by the OSCE/ODIHR, except for the EOMs in the province of Kosovo where the Council of Europe (CoE) was in charge. The Kosovo elections were coordinated and supervised by the OSCE. The main reason was to avoid the situation in Bosnia 1996 and 1997 in which the elections were supervised and observed by the same international body – the OSCE (Schmeets & Exel, 1997; Schmeets, 1998; Van Thijn, 1997a;b). However, the same methodology – including the observer report forms – was used by the CoE. Another exception concerns the 1996 Russian presidential elections: instead of the OSCE, the European Union was in charge of the deployment of the STOs and the analyses of their observations (Schmeets, 1996).

On average 331 observers per EOM were on the ground, making it a total of over 30 thousand observers. In the ‘early years’ a few missions were observed by less than 100 STOs, for example the 1998 elections in Hungary (2 rounds), Macedonia, and the Czech Republic, the 1999 elections in Estonia, and the election in Macedonia in 2000. During the second round of the municipal elections in Macedonia in 2008, only 78 observers were fielded to cover some municipalities in which a second round was needed. On the other hand, some EOMs exceeded 700 observers including the EOM in Bosnia-Herzegovina on 14 September 1996 as a result of the Dayton Agreement. Other large missions, which were

apparently very popular among observers, took place in Macedonia (2002) and Ukraine (2004, 2006, 2007, 2010). The regression line shows that more and more observers are deployed in EOMs from 1996 onwards (table 8.5.1). By exclusion of the six outliers, the explained variance increases from 5 to 11 percent.

8.5.1 Observers deployed in 92 Election Observation Missions, 1996–2010



Source: OSCE\ODIHR

Overall assessment

In comparison to the counting process, the overall assessment of the voting process is evidently more positive. An explanation for this finding is that observer teams stay on average approximately 30 minutes in a polling station observing the voting process, whereas they stay from the beginning till the end in a polling station to observe the counting procedures. So they may notice more problems and irregularities during their stay of at least 2 to 3 hours observing the counting procedures than during their observation of the voting process.

In the table below the descriptive statistics of the overall assessment show that on average in 8.2% (median 6.5%) of the EOMs the voting process is assessed in negative terms: either a bad or a very bad overall evaluation. The lowest value is 1% (Estonia, 1999), the highest 25% (Tajikistan, 2010). Likewise, the evaluation of the counting process is more negative: on average in 20.6% (median 17%) of the EOMs, the judgement is either bad or very bad. Observers observing the counting process in Estonia were also very positive about the vote count: in all their reports the overall evaluation was good or even very good. On the other hand, in several missions in Belarus the counting process was rated negatively

in a majority of the polling stations by the observer teams. This is particularly true for the elections in 2004: 62% of the observations were either rated as bad or very bad.

Actually, we could use the empirical results to create a benchmark for the EOMs by using the quartiles (see table 8.5.2). The best quartile (top 25%) is labelled as 'very good', the second best as 'good', the third as 'bad' and the worst quartile as 'very bad'. A very good voting process reveals if less than 3% of the observed polling stations are assessed negatively (bad or very bad). A next group of elections (3 to 6.4% negative reports) is labelled as 'good', a further group from 6.5 to 10% negative group is characterised as 'bad' and more than 10% as 'very bad'. Similarly, the four election groups are selected based on the overall assessments of vote count observations: a 'very good' counting reveals if less than 9% of the reports are negative, 'good' from 9 to 16.9%, 'bad' from 17.0 to 26.5%, and 'very bad' if more than 26.5% of the vote count observations is rated in negative terms.

8.5.2 Quartiles based on overall assessment voting and counting process in EOMs

	Voting	Counting
	%	
Very Good	< 3.0	< 9.0
Good	3.0–6.4	9.0–16.9
Bad	6.5–10	17.0–26.5
Very Bad	>10	> 26.5

Source: OSCE/ODIHR.

8.5.3 Very bad voting and very bad counting process

Country	Date	Voting	Counting
		%	
(1997) Albania	29-06-1997	12	29
(1998) Armenia	30-03-1998	14	29
(2000) Georgia	09-02-2000	16	45
(2000) Azerbaijan	05-11-2000	24	52
(2003) Azerbaijan	15-10-2003	24	55
(2003) Georgia	02-11-2003	19	31
(2004) Kazakhstan	19-09-2004	13	28
(2005) Tajikistan	27-02-2005	20	54
(2005) Azerbaijan	06-11-2005	13	41
(2006) Tajikistan	06-11-2006	20	55
(2009) Kyrgyzstan	26-07-2009	11	50
(2010) Tajikistan	28-02-2010	25	56

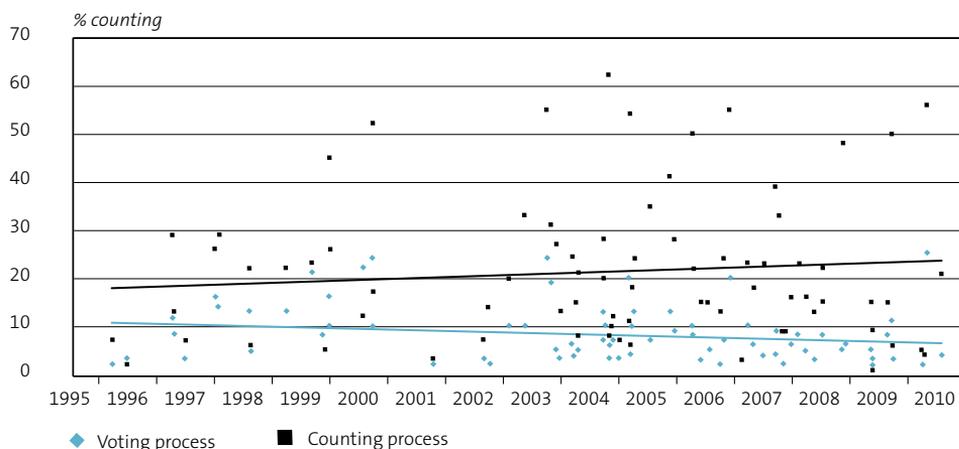
Source: OSCE/ODIHR.

Consequently, this results in various combinations. In table 8.5.3 a total of twelve elections are grouped with a very negative voting process (more than 10% bad to very bad assessed observations) combined with a very negative judgement on the vote count (more than 26.5% bad to very bad observations). Such elections were conducted in Albania, Armenia, Georgia, Azerbaijan, Kazakhstan, Tajikistan and Kyrgyzstan.

A second group contains elections with a bad voting combined with a very bad count, which applies to the elections in Belarus, Armenia, Kazakhstan and Kyrgyzstan. Likewise, a combination of a bad count combined with a very bad voting process was observed in four elections in the Caucasus in 1998–1999 and in the 2005 elections in Macedonia. In addition, a combination of a bad voting and a bad count applies to 12 elections; in the Balkans (Kosovo, Macedonia, Bosnia, Albania), Armenia, Georgia, Ukraine, and Kyrgyzstan. Interestingly, both a very bad voting and counting process was seen during the whole period from 1997 onwards, whereas a bad voting together with a very bad count was observed from 2003–2007, and a very bad voting together with a bad count in particularly in 1998 and 1999.

In the graphs 8.5.4 below a trend is provided during the period 1996–2010. The scattergram includes the results of 81 EOMs.⁵⁾ It reveals that the voting process has been improved slightly, whereas the counting process has deteriorated. Consequently, the gap between the negative reports in an election on the voting and counting has been widened by some 10 percent, from 8 to 18%. This is also reflected in the difference in scores between the

8.5.4 Bad to very bad assessed voting and counting stations in 81 elections, 1996–2010



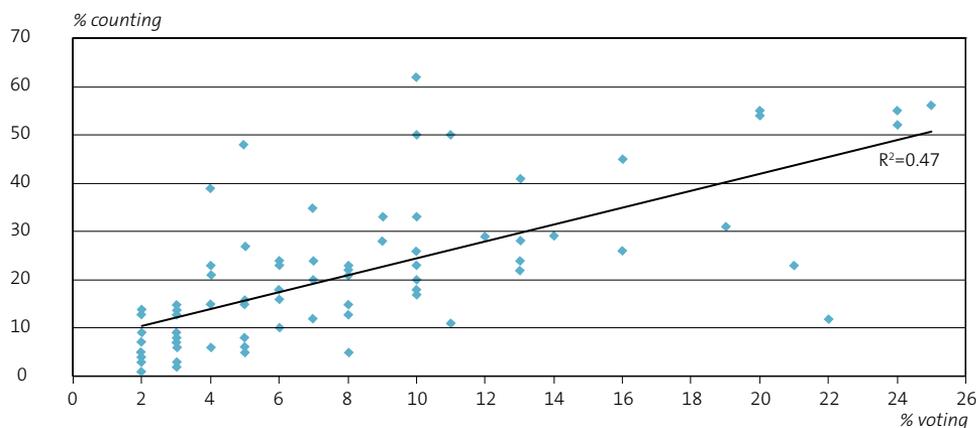
⁵⁾ The main reason for including 81 instead of 92 EOMs is that in some elections no information is available of the assessment of the vote count, partly due to a limited number of observers. A further reason is that information based on less than 100 observers (50 teams) results in estimates with large confidence intervals in overall assessment of the counting process. Consequently, 11 EOMs were excluded from the analysis.

counting and the voting. Note that only in four elections the voting was slightly more negatively assessed than the counting process: in 1996 in Bosnia, in 2000 in Macedonia and Croatia, and in 2009 in Montenegro.

In graph 8.5.5 the correlation between the overall assessments of the voting and counting are displayed. Obviously, a negative overall assessment of the voting process is associated with a negative overall judgment of the vote count in an EOM (R-square = 0.47). In other words, if the observer teams concluded that in a very limited number of polling stations the process was bad or even very bad, they were also mild in their overall assessment of the counting process. However, there are some outliers in this pattern. As already demonstrated, three elections in Belarus are characterised by a very negative count – which was mainly caused by a lack of transparency; observers were kept at a distance and had no clear view of the procedures – whereas the assessment of the voting procedures was not that negative. On the other hand, some elections in Macedonia were marred with many problems related to the voting procedures (in particular in the ethnic Albanian areas), whereas not many problems during the count were witnessed. The explained variance increases to 65% by excluding those 5 elections.

The regional profile in table 8.5.6 shows that the voting process is assessed more positively in Eastern Europe and the Balkans than in the Caucasus and the Eurasia region (F=11.6; p < 0.001). For the counting process, it reveals that the best elections were observed in the Balkans, followed by the countries in Eastern Europe, the Caucasus and the Eurasia region (F=14.2; p < 0.001).

8.5.5 Bad to very bad assessed voting and counting process, 1996–2010



Source: OSCE/ODIHR

8.5.6 Bad to very bad overall assessment voting and counting by region

	Voting	Counting
	%	
Total	8.0	20.6
Eastern Europe (Russia/Belarus/Estonia/Ukraine)	4.5	17.8
Balkan+ (Bosnia/Macedonia/Kosovo/Hungary/Serbia/Czech Rep)	6.4	12.9
Caucasus (Georgia/Armenia/Azerbaijan)	11.9	27.5
Eurasia (Kyrgyzstan /Tajikistan/Kazakhstan)	12.6	37.7

Source: OSCE/ODIHR.

8.6 Conclusions and discussion

This paper has provided an overview of the findings of over 30 thousand observers fielded in the OSCE-region from 1996 onwards. The observer teams operated in pairs and produced over 200 thousand reports on the opening procedures, the voting process, the vote count and the tabulation of the votes. Furthermore, there is a trend that more recent EOMs use more observers. Notably, the OSCE/ODIHR requests the member states to send international observers, but do not specify the numbers for each single member state. The only specification is the total number of observers, which is based on a Needs Assessment Mission, conducted some 3 months before Election Day and shortly before some members of the core-team arrive to set up the EOM. For the Bosnia and Herzegovina General Elections on 3 October 2010, a total number of 300 observers were requested (OSCE/ODIHR, 2010, p. 9).

Although the number of requested observers by ODIHR has never exceeded 600, in some missions more observers were deployed. For the re-run of the Ukraine 2004 presidential elections on 26 December over 1,400 observers had to be deployed by ODIHR, which was a challenge, not only for logistical reasons. Over 9,000 observer report forms had to be processed, which corresponds to 8 km of fax paper. Having over 1,400 observers on the ground is, however, in particular an advantage for the reliability of the assessment of the opening, counting, and tabulation procedures as 1,400 observers may produce 700 observations for these phases in process. Such numbers yield more accurate estimates, c.q. smaller margins, than an election in which, for example, 600 observers are fielded, producing a maximum of 300 forms for each of these phases in the observation process.

On the other hand, over 8,000 forms to cover the voting procedures in Ukraine are only of added value in making regional comparisons within a country (e.g. the 26 LTO-regions in Ukraine). Another approach is to deploy stationary teams in the polling stations – for example 350 teams – and to compare their results with the findings of the other 350 regular teams, who stay for only half an hour inside the polling stations. This would be an advantage for making a more sound interpretation of the observations of the voting process.

This chapter has outlined the interpretation of the problems and irregularities observed. It has shown that experiences based on previous EOMs are crucial. The methodology in an EOM is based on a mixture of a quantitative and qualitative approach. Apart from the Observer Report Forms with fixed answer categories, the STOs are requested to provide their additional comments on a special Form, a so-called E-Form, and to refer to the specific question in the other Forms. Obviously, the number of received E-Forms is also an indication for whether the elections are in line with international standards, c.q. the OSCE Copenhagen Commitments. Further research should reveal whether such an indicator could be of importance. Based on a rough personal estimation, an election is bad or even very bad if such an E-Form is used in one in two observations to provide additional information on the process. The comments in the E-Forms are entered in a spreadsheet in which the various problems are listed, such as the secrecy, ballot box stuffing and intimidation. Also this information is used for the preliminary statement and the final report. Another research line would be to label all the comments in ‘positive’, ‘neutral’, and ‘negative’ and to include these variables in the other databases (for example, see Schmeets, 1998, p. 102).

In this chapter we did not touch upon the findings of the opening procedures and tabulation. This needs to be addressed in further research since tabulation is an important element in the assessment of an election. Obviously, opening, voting and counting might be excellent; when the authorities tamper with the protocols, the elections are rigged. In recent years ODIHR deploys also stationary observer-teams in the tabulation centre, and they have to report on a regular base.

Another concern is electronic voting, for example as used in some polling stations in Kazakhstan and Russia. Transparency is an issue when using such systems because it is difficult to verify the actual votes without ballot papers. Electronic voting is also a concern in ‘old’ democracies. In the 22 November 2006 elections in the Netherlands, a small expert team was on the ground to observe the elections in the framework of an Election Assessment Mission (EAM). The OSCE/ODIHR was rather critical in their final report about (a) the electronic voting; (b) massive use of proxy voting; and (c) political party and campaign funding. ODIHR were surprised that the electronic voting was not accompanied with ‘Voter Verified Paper Audit Trails’ which provides the possibility to verify the results. In addition, it

was recommended to review the system of proxy voting: 'It would be useful to consider a review of the regulation and practice of proxy voting, in order to further enhance a consistency with the principles of the equality and secrecy of the ballot, in line with paragraph 7.4 of the 1990 OSCE Copenhagen Document.' (ODIHR Election Unit, 1998). The Council of Ministers of the Labour/Christian Democrats/Christian Union coalition decided on 19 May 2008 to abandon electronic voting and to re-introduce the traditional voting by pen and red pencil. The possibility to vote by proxy – which is used by 12 percent of the electorate (Schmeets, 2009) – remained, although it became less flexible as voters had to show a copy of the proxy voters' ID-card. This caused a drop of proxy voting from 12 percent in 2006 to 8 percent in 2010. This also has an impact on voter turnout, which fell from 80.4 to 75.4 percent (Schmeets, 2010). This example demonstrates the impact of the elections assessments by the OSEC/ODIHR, even if a small team is fielded without STOs.

In recent years ODIHR has made more use of such EAMs to cover elections in western democracies. This does not imply that in the near future EOMs will be replaced by EAMs. This will only be considered if in two consecutive elections, the assessment of the election by the EOM is positive. In this paper it has been demonstrated that in many OSCE member states there is still a long way to go in the transition towards a democracy that meets the international (OSCE) standards and commitments. In fact, already at the end of the previous century, many international election experts, including ODIHR in Warsaw (Eiger, 2009), were wondering what to do after the EOMs were no longer needed. Now, in 2010, there is no discussion of the end of election monitoring. On the contrary, the graph in the paper shows that the member states are willing to send more and more observers, even taking into consideration that practically all states have to cover the costs of their observers themselves.

The main objective of this paper is to open the 'black box' of the processing and interpretation of observers' observations. It has been outlined that the overall indicator question at the end of the forms 'In general, the overall conduct of the [opening; voting; counting; tabulation] at this [Polling; Tabulation] Station was: Very Good – Good – Bad – Very Bad' serves as a reliable and valid indicator for the specific problems and irregularities observed. Severe violations correlate strongly, and less severe violations moderately with the overall indicator, which makes it valid and this is true for all elections, which makes it also reliable. Moreover, reweighing 24 problems and irregularities along the line of how severe the problem is, results in a problem score that highly correlates with the overall assessment indicator.

It is shown that the assessments of the voting and counting process are strongly correlated in almost all elections, apart from various elections in Belarus and Macedonia. Apparently, observers' findings in the morning and afternoon on polling day are already a good predictor for what will happen during the evening and night when it comes to the counting of the votes. On average, the voting process is assessed in negative terms

– either a bad or a very bad – in 8% of the observations, whereas this percentage is evidently higher for the count. Moreover, between 1996 and 2010 the average gap in the overall assessment between the voting and counting process has widened from 8 to 18 percent in negative judgements. Obviously, several explanations for this trend are conceivable. One explanation is that the violations and fraud may have taken place during the vote count in recent years. A further explanation is that observers are more experienced and keener to detect such violations when it comes to counting the votes. Or, additionally, in recent years more EOMs have been set up in countries where the count in particular is problematic.

Finally, the regional pattern shows clear discrepancies between the elections in Eastern Europe, the Balkans, Eurasia and the Caucasus. Observers observing the conduct of the voting process were more positive in the EOMs in the Balkans and Eastern Europe than in the Caucasus and Eurasia, where more than twice of the reports were negative: 6% versus 12%. The assessment of the counting process shows a clearer divide between all four regions. In the Balkans the overall judgement was negative in 13%, in Eastern Europe in 18%, in the Caucasus in 28% and in Eurasia in 38%. Such figures may serve as a rough guideline in which OSCE regions international observers are needed.

8.7 Literature

Akkerboom, H. and H. Schmeets (1998). Survey data collection methodology for election missions: How professional form design helps to control a survey. *International Journal of Public Opinion Research*, (10)3, 257–274.

Balch, J., Granstedt, P. and K. Kenny (1997). *Standardisation of Practise in the Selection, Training and Deployment of International Election Observers*. Amsterdam: WEPA/AEI.

Beigbeder, Y. (1994). *International Monitoring of Plebiscites, Referenda and national Elections: Self-Determination and Transition to Democracy*. Dordrecht: Martinus Nijhoff.

Carothers, T. (1997). *The observers observed*. *Journal of Democracy*, (8)3, 17–31.

Cranenburgh, O., van (1997). Zin en onzin van de internationale verkiezingswaarneming. *Beleid & Maatschappij*, (24)5, 206–208.

Eiger, P. (2009). Improving OSCE election observation. *Security and Human Rights*, 4, 264–276.

Elklit, J. and P. Svensson (1997). The Rise of Election Monitoring: What makes elections free and fair? *Journal of Democracy*, (8)3, 32–46.

Elklit, J. (1994). Is the degree of electoral democracy measurable? Experiences from Bulgaria, Kenya, Latvia, Mongolia and Nepal. In: Beetham, D. (ed.), *Defining and measuring democracy*. London/Thousand Oaks/New Delhi: Sage, 89–111.

Electoral Reform International Services (1996). *Report of the European Union Election Unit on the Russian Presidential Elections: 16 June & 3 July 1996*. London: Electoral Reform International Services.

European Commission (2008). *Handbook for European Union Election Observation. Second edition*. Brussels: European Commission.

European Union Electoral Unit (1996). *Report of the European Union Electoral Unit on the Russian Election of the State Duma*, December 1995. Brussels: European Commission.

Goodwin-Gill, G.S. (1994). *Free and Fair Elections: International Law and Practise*. Geneva: Inter-parliamentary Union.

Hinz, V.U. (2003). Elements of the Electoral Process: Interpretations and Practises of International Bodies on Election Elements derivable from Article 25 of the International Covenant on Civil Political Rights as Criteria for Assessing the Electoral Process. In: Hinz, V.U. and M. Suksi (eds.), *Election Elements: On the International Standards of Electoral Participation*. Turku/Åbo: Institute for Human Rights, Akademi University Åbo, 1–42.

Jenkins, C.R. and D. A. Dillman (1997). 'Towards a Theory of Self-Administered Questionnaire Design'. In: Lyberg et al., *Survey Measurement and Process Quality*, New York: John Wiley, chapter 7, 165–196.

Kumar, K. (1998). Postconflict Elections and International Assistance. In: Kumar, K. (ed.), *Postconflict Elections, Democratization & International Assistance*. London: Lynne Rienner Publishers, 5–14.

Lange, Y. (1997). *Stembuswaarnemers zien veel te weinig*. NRC Handelsblad, 25-1-1997.

Meulman, J. (1982). Homogeneity analysis of incomplete data. Leiden: DSWO Press.

ODIHR Election Unit (1998). The OSCE/ODIHR Election Observation Handbook, *Office for Democratic Institutions and Human Rights, 3rd edition*. Warsaw: OSCE/ODIHR.

OSCE/ODIHR (2010). Bosnia and Herzegovina General Elections 3 October 2010. *OSCE/ODIHR Needs Assessment Mission Report, 30 June – 2 July 2010*. Warsaw: OSCE/ODIHR.

Schmeets, H. and A. Eriksson (1999). *Statistical Methodology for Election Observation Missions: How a standard design can enhance the transparency of an ODIHR mission report*. Paper presented on the ODIHR conference, 20 September 1999, Warsaw, Poland.

Schmeets, H. and J. Exel (1997). *The 1996 Bosnia-Herzegovina Elections: An Analysis of the Observations*. Dordrecht: Kluwer AP.

Schmeets, H. (1996). The Observation of the Russian Presidential Elections. In: *Electoral Reform International Services, Report of the European Union Election Unit on the Russian Presidential Elections: 16 June & 3 July 1996*. London: Electoral Reform International Services, 16–35.

Schmeets, H. (1998). *The 1997 Municipal Elections in Bosnia and Herzegovina: An Analysis of the Observations*. Dordrecht: Kluwer AP.

Schmeets, H. (2001). *The Municipal Election in Kosovo. Final Statistical Report*. Strasbourg: Council of Europe.

Schmeets, H. (2010). Politieke participatie. In: Schmeets (ed.), *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag: Centraal Bureau voor de Statistiek, 96–110.

Schmeets, J.J.G. (2002). *Vrije en eerlijke verkiezingen in de OVSE-regio? De ontwikkeling van een meetinstrument*. Dissertatie. Nijmegen: KUN.

Smeets, R. (1997). *Waarnemers wel degelijk zinvol*. NRC Handelsblad, 1-2-1997, 8.

Suksi, M. (2003). The Electoral Cycle: On the Right to Participate in the Electoral Process In: Hinz, V.U. and M. Suksi (eds.) *Election Elements: On the International Standards of Electoral Participation*. Turku/Åbo: Institute for Human Rights, Akademi University Åbo, 43–115.

Thijn, E., van (1997a). *Stemmingen in Sarajevo. Dagboek van een waarnemer*. Amsterdam: Van Gennep.

Thijn, E., van, (1997b). The 1996 Bosnia-Herzegovina elections: an analysis of the observations by Hans Schmeets and Jeanet Exel (Book Review). *Acta Politica*, (32)3, 338–339.

9

The 'C-factor': impact of the nationality of observers on observing elections

9.1 Introduction

9.2 Multinational character of international election observation missions

9.3 Impact of observer nationality in observing elections

9.4 The 'C-factor': concepts of country and culture

- Culture and language
- Cultural intervention
- Contact between societies
- Minorities

9.5 Position dependence and hetero-stereotyping

9.6 The possible impact of culture in observing elections

9.7 Research questions and methodology

- Methodology

9.8 Preliminary findings

9.9 Conclusions

9.10 Literature

9 The ‘C-factor’: impact of the nationality of observers on observing elections

Caecilia van Peski and Hans Schmeets

9.1 Introduction

As the observers in an election observation mission (EOM) increase in number and become more culturally diverse, the question arises whether the nationality of observers has any influence on the way the EOM is executed. Does the growing diversity influence the way in which the elections are observed by the multinational observers? Is this reflected in the final assessment of the elections in the Preliminary and Final Statements? Studying OSCE/ODIHR election observation missions undertaken within an increasingly multicultural setting is gaining momentum.

Research is being launched to measure the effects of the increasing multicultural character of the EOM observer teams on the observers’ assessment of the election process. More specifically, the research looks at whether observers from different countries differ in their assessment of the voting and counting process. It seeks to cast light on the effects of the ‘C-factor’ where ‘C’ stands for ‘country’ and for ‘culture’, hence, for nationality. The cultural distance of the observer towards the situation being observed is studied under the premise that culture-based bias tends to increase as a function of increasing inequalities. In other words, do more differences lead to more bias in interpretation?

The following paragraphs will start with a description of the growing tendency of EOMs to become more and more culturally diverse. The concept of ‘culture’ related to observers’ nationality will be outlined, and its implications for observing elections. This will be followed by research questions and the proposed methodology towards the influence of the different cultural backgrounds of observers. Preliminary findings will be presented on the impact of observers’ nationality in the assessment of elections.

9.2 Multinational character of international election observation missions

On 21–22 April 2005, the conference ‘Supplementary Human Dimension Meeting on Challenges of Election Technologies and Procedures’ was held at the Hofburg Congress Centre in Vienna. The conference was organized by the OSCE. Its main objective was to identify ongoing and emerging challenges related to election technologies and procedures, with regard to implementation of the OSCE election-related commitments and other international standards. There was a debate about future of election observation missions in the expanding OSCE region. With fifty-six States from Europe, Central Asia and North America, and twelve countries as Partner’s for Cooperation in the Mediterranean region and Asia, the OSCE at that time was, and still is, the world’s largest regional security organization. All OSCE participating States enjoy equal status, and decisions are taken by consensus on a politically, but not legally binding basis. The Vienna debate of 2005 was a direct result of the turbulent election year 2004, with rather critical OSCE reports on the elections within the Russian Federation, Belarus, Ukraine and Georgia. As it turned out, the extraordinary turmoil would lead to an increase of attention geared towards the development, methodology and formatting of OSCE election observation missions.

The year 2004 showed unprecedented turmoil on the international stage of elections. Specifically in the case of elections held in the former Soviet Union region. The turmoil peaked with the Presidential Elections in the Russian Federation, held on 17 March 2004, in which incumbent Putin was seeking a second four-year term. Putin was re-elected with seventy-one percent of the votes. According to the OSCE Final Statement (OSCE Final Statement for the 17 March 2004 Presidential Elections in the Russian Federation), the election process did not adequately reflect principles necessary for a healthy democratic election process. The election process failed to meet important commitments concerning treatment of candidates by the State-controlled media on a non-discriminatory basis, equal opportunities for all candidates and secrecy of the ballot.

On 17 October, the Republic of Belarus held its Parliamentary Elections, including a Presidential Referendum. According to the Final Statement (OSCE/ODIHR Final Statement for the 17 October 2004 Parliamentary Elections in the Republic of Belarus), elections fell significantly short of the OSCE commitments. Universal principles and constitutionally guaranteed rights of expression, association and assembly were seriously challenged. According to the mission, the principles of an inclusive democratic process, whereby

citizens have the right to seek political office without discrimination, candidates to present their views without obstruction, and voters to learn about them and discuss them freely, were largely ignored.

Two weeks later, the first round Presidential Elections took place in Ukraine (31 October 2004), followed by a second round on 21 November and a repeated second round on 26 December. The election was the fourth Presidential Election to take place in Ukraine after its independence from the Soviet Union (resulting in the “Orange Revolution”). The last stage of the election was contested between the opposition leader Yushchenko and the incumbent Prime Minister Yanukovych from the Party of Regions. The election was held in a highly charged political atmosphere, with allegations of media bias, voter intimidation and a poisoning of candidate Yushchenko.

Most attention though went to the Presidential Elections in the Republic of Georgia (4 January 2004, followed by Parliamentary Elections of 28 March after Georgia’s “Rose Revolution”. The presidential Election was held after the resignation of former President Shevardnadze. As expected, the main opposition leader, Saakashvili, was soon shown by exit polls to be heading for an overwhelming victory. Saakashvili won the elections by getting ninety-seven percent of the votes. The other candidates received less than two percent each.

At the end of 2004, the Russian Federation claimed to have serious doubts about the objectivity of the interpretations by the OSCE election observers of these elections, specifically the observers from the West. There has been a long historical divide between the countries located west and east of Vienna (the OSCE Secretariat is at Vienna’s Wallnerstrasse). The OSCE/ODIHR Preliminary Reports distributed during a press conference the day after E-day and Final Reports made public within six to eight weeks after elections, are based on the observations and findings of some 200 to 600 LTO and STO observers. They were deployed in such a way that the maximum number of regions is covered and the selected polling stations form a sample that can be considered random.

As the OSCE member States decide how many observers they will send to an EOM, some missions get huge numbers. Some 1,400 observers observed the repeated second round Presidential Elections in Ukraine on 26 December 2004. Most significantly, not only the number of international observers has increased, but so did the number of the OSCE participating States, in particular from Eastern European countries. Consequently, the observers in an EOM have become an increasingly culturally diverse entity. The Presidential Elections in the Kyrgyz Republic (10 July 2005) illustrate this. This EOM consisted of 300 election observers from over forty OSCE member States. More recent examples can be seen in the 6 November 2006 Presidential Election in the Republic of Tajikistan with observers from twenty-eight different nationalities. The Parliamentary Elections on 12 May 2007 in the Republic of Armenia had a total of thirty-six different nationals

observing them. The number increased even further on 19 February 2008 when the Presidential Elections took place there. Likewise, in the Republic of Serbia, there were observers with forty-one different nationalities in the 20 January 2007 Presidential Elections. Thirty-eight different nationalities were deployed in the EOM for the 1 June 2008 Parliamentary Elections in the Former Yugoslav Republic of Macedonia, and in the 15 October 2008 Presidential Elections in the Republic of Azerbaijan.

9.3 Impact of observer nationality in observing elections

In EOMs, both LTO and STO observers work in mixed teams of two. The mix constitutes factors such as sex, age, nationality, years of experience and professional background. Reasons for working in mixed teams are multi-faceted: for security reasons it is often preferred to have a male observer work side by side with a female observer, for political reasons preference is given to teams of mixed nationality and for reasons of quality assurance of the executed work, inexperienced observers are paired with experienced observers.

On E-day, teams of observers visit approximately ten to twelve polling stations, covering the opening procedures (one polling station at the start of E-day), voting procedures (approximately ten polling stations spread over the day), the vote count procedures (one polling station at the end of E-day) and the subsequent tabulation of results. During their visits to the polling stations, which take 25–30 minutes per polling station, observers are obliged to fill out one observer report per team per polling station visited. Observers never fill out individual reports; hence the reports are always based on the observations of both team members.

In this report, questions are raised about circumstances inside the polling station and in the vicinity of the polling station, as well as on electoral procedures followed. For example, observers are requested to check whether campaign activities took place inside or outside the polling station, whether (and how many) voters and Election Commission Members were present at the station, whether the polling station itself is accessible for voters with disabilities, and whether observers witness any unauthorized persons inside the polling station. Apart from the circumstances, observers have to check whether electoral procedures are followed correctly. They need to identify whether observers produce an ID-card upon request, whether their names are listed on the Voter List and if there are no

cases of family voting. Also, observers report on the total number of voters on the Voter List, how many voters have voted up to their arrival at the polling station, the total number of ballots received at the start of E-day, and whether ballot boxes are properly locked and sealed.

Observers are also asked to give their overall opinion as to the general circumstances at the polling station they visit. The observer team has to agree on the overall assessment of the station. "In general, the overall conduct of the voting during the visit to this polling station was: very good, good, bad, very bad." Observers must make an overall assessment in terms of (very) good or (very) bad. This specific question serves as an overall indicator. Additionally, observers are requested to give their opinion as to various specific evaluations: general environment/circumstances, the procedures followed, the commission members' and voters' understanding of voting procedures, the performance of the commission and the transparency of the voting process. The answer modalities here range from 5 (very good) to 1 (very bad). Apart from these quantitative questions, observers are requested to elaborate in more detail about any problems and irregularities they encounter, in writing in the specific format of the observation form. This indicates that an EOM is characterized by a mixed quantitative and qualitative approach. Obviously, all questions are sensitive to an individual's personal point of view, in this case, the combined opinions of the two members of the observer team.

Apart from the country of origin, the sex, age and years of experience, there are many other aspects in which one observer differs from the other. Effects can also be assumed for many other characteristics, besides the 'C-factor' for culture, country (nationality). In the current research, there is interest in de-confounding these different background characteristics. If such variables are being held constant, what effect can be measured stemming from the 'C-factor'?

Observer characteristics

Age, sex, mother tongue, civic status, height, weight, genetic factors, gestures, relative strength, sexual preference, number of years of professional experience, level of education, type of education, personality traits ("Big Five" personality factors: openness, conscientiousness, extraversion, agreeableness, emotional stability/neuroticism), self-identification, family ties, social connectedness, level of intercultural exposure, accuracy, learning capacity, attention span, factual knowledge ('body of knowledge' on election observation), ambition, motivation, report writing skills, level of fluency in foreign

languages, number of spoken languages, level of adaptability to (new) situations, precision, objectivity, neutrality, communication skills, sensitivity, social-economical status, blood group, Intelligence Quotient, religious beliefs, outer features, attractiveness, physical aptness, level of self-confidence, reflective skills, number of years spend living and working abroad, level of understanding, dependency on self and/or others, soundness of judgment, sexual preference, number of EOM experiences, political convictions, and..... nationality.

9.4 The ‘C-factor’: concepts of country and culture

One way to look at culture is to see it as an integrated pattern of human knowledge, belief and behaviour that depends upon the capacity for symbolic thought and social learning. As such, culture is a set of shared attitudes, values, goals, and practices that characterizes an institution, organization or group (Cornes, 2004).

The etymology of the modern term ‘culture’ is based on a term used by Cicero. In his *Tusculan Disputations* (45 B.C.), Cicero wrote of a cultivation of the soul or *cultura animi*, using an agricultural metaphor to describe the development of a philosophical soul, which was understood teleologically as the one naturally highest possible ideal for human development. Banks (1997) took over this metaphor in the modern context of education, meaning something similar. His use “refers to all the ways in which human beings overcome their original barbarism, and through artifice become fully human”. The term ‘culture’, which originally meant the cultivation of the soul or mind, acquires most of its later modern meanings in the writings of the eighteenth-century German philosophers, based on Rousseau’s criticism of modern liberalism and the Enlightenment. They usually imply a contrast between ‘culture’ and ‘civilization’. Two primary meanings of culture emerging from this period are: 1) culture as the folk-spirit having a unique identity, and 2) culture as cultivation of inwardness or free individuality (Kim, 2001). The first meaning is predominant in contemporary uses of the term ‘culture’, although the second plays an obvious role in what often is thought culture should achieve, namely the full expression of the unique and authentic self.

Instead of defining culture as a kind of knowledge, Appiah (2006) suggests to view culture as a process. He lists six steps in the process:

1. A new pattern of behaviour is invented, or an existing one is modified. The innovator transmits this pattern to another;
2. The form of the pattern is consistent within and across performers, perhaps even in terms of recognizable stylistic features;
3. The one who acquires the pattern retains the ability to perform it long after having acquired it;
4. The pattern spreads across social units in a population;
5. These social units may be families, clans, troops, or bands;
6. The pattern endures across generations.

Appiah (2006) admits that all six criteria may be strict but he also insists on the need to be as inclusive as possible, since culture is considered to be a group-specific behaviour that is acquired, at least in part, from social influence.

Culture and language

The connection between culture and language has been noted in the classical period and probably long before. The origin of language, understood as the human capacity of complex symbolic communication, and the origin of complex culture is often thought to stem from the same evolutionary process in early man (Brown, 1991). Evolutionary anthropologists suppose that language evolved as early humans began to live in large communities which required the use of complex communication to maintain social coherence. Language and culture emerged as a means of using symbols to construct social identity and maintain coherence within a social group too large to rely exclusively on pre-human ways of building community, such as grooming. Languages are also a part of the larger culture of the community that speaks them, signalling identity with one cultural group and difference from others.

The ways of speaking or signalling are a part of the community's culture, just as other shared practices are. Language use is a way of establishing and displaying group identity. Ways of speaking function not only to facilitate communication, but also to identify the social position of the speaker.

The significance of cultural behaviour is not exhausted when it is understood to be local, man-made and hugely variable. It tends to be integrated. A culture, like an individual, is a more or less consistent pattern of thought and action. Within each culture characteristic purposes develop that are not necessarily shared by other types of society. In obedience to their purposes, each person further and further consolidates his experience, and in proportion to the urgency of these drives, the heterogeneous items of behaviour take more and more congruous shape. Taken up by a well-integrated culture, the most ill-assorted acts become characteristic of its particular goals, often by the most unlikely metamorphoses (Himmelfarb, 1996). The social aspect of culture is also highlighted in the work of Trompenaars (2007), who is looking at human connectedness and social cohesion.

Cultural intervention

Cultural intervention (Anderson, 1983) has come to mean any innovation that is new and found to be useful to a group of people and expressed in their behaviour but which does not exist as a physical object. Humanity is in a global "accelerating culture change period", driven by the expansion of international commerce, the mass media, and above all, the human population explosion, among other factors. Cultures are therefore internally affected by both forces encouraging change and forces resisting change (Guidry, 2003).

Moisi (2009), too, mentions resistant and forceful powers of change when ascribing different emotional states to different geopolitical regions. These forces are related to social structures

and natural events, and are involved in the perpetuation of cultural ideas and practices within current structures, which themselves are subject to change. Moreover, social conflict and the development of technologies can produce changes within a society by altering social dynamics and promoting new cultural models, and spurring or enabling generative action. These social shifts may accompany ideological shifts and other types of cultural change (Anholt, 2008). Anholt argues that national identity refers to a sense of belonging, place of birth, and place branding. The fate of nations does not depend on their relationships with the governments of other nations: it depends more than ever on their relationships with international public. In turn, Hampden-Turner (2000) mentions Dilemma Theory which connects paradox to innovation and development, ethical decision making and new narrative elements into culture.

Contact between societies

Cultures are externally affected via contact between societies, which may also produce, or inhibit, social shifts and changes in cultural practices. War or competition over resources may impact technological development or social dynamics. Additionally, cultural ideas may transfer from one society to another, through diffusion or acculturation. In diffusion, the form of something (though not necessarily its meaning) moves from one culture to another. In acculturation, the exchange of cultural features takes place when groups of individuals having different cultures come into continuous first hand contact with other groups of individuals, altering the original cultural patterns of either or both groups but the groups remaining distinct (Hofstede, 1980). Hofstede mentions the “Big Five” personality traits lifted from the individual level to the national level. He then gives a systematic framework for assessing and differentiating national cultures in a cultural dimension framework of six dimensions of values.

Minorities

Despite definitions and evidence that acculturation entails two-way processes of change, research and theory (Hollinger, 2003; Macedo, 2000; Pettigrew, 1998) have continued to focus on the adjustments and changes experienced by minorities in response to their contact with the dominant majority.

During the Cold War, most economies were largely self-contained because the world was polarized into two separate and competing powers: east and west. However, changes and advancements in economic relationships, political systems, and technological options began to break down old cultural barriers. Business transformed from individual-country capitalism to global capitalism. However, with the process of globalization, especially the

increase of global trade, it is unavoidable that different cultures will meet, conflict, and blend together. People from different cultures find it hard to communicate not only due to language barrier but also because of different culture styles (Huijser, 2006). For instance, in independent cultures, such as in the U.S., Canada, and Western Europe, an independent figure of self is dominant.

This independent figure is characterized by a sense of self relatively distinct from others and the environment. In interdependent cultures, usually identified as Asian, Latin American, African, and Southern and (to some extent) Eastern European cultures, an interdependent figure of self is dominant. Here one finds a much greater emphasis on the interrelatedness of the individual to others and the environment, the self is meaningful only (or primarily) in the context of social relationships, duties, and roles. In some degree, the effect brought by cultural difference override the language gap. And this culture style difference contributes to one of the biggest challenges for cross-culture communication.

Effective communication with people of different cultures is especially challenging. Cultures provide people with ways of thinking, ways of seeing, hearing, and interpreting the world. The same words can mean different things to people from different cultures, even when they speak the “same” language. When the languages are different, and translation has to be used to communicate, as is the case in the day-to-day work of an election observer, the potential for misunderstandings increases.

Contemporary discourse on Culture

Hofstede (1980): “Culture is Personality”.

The “Big five” personality traits lifted from the individual level to the national level. Hofstede gives a systematic framework for assessing and differentiating national cultures in a cultural dimension framework of six dimensions of values.

Hampden-Turner (2000): “Culture is Innovation”.

Culture-that-creates, differences which develop when reconciled. Hampden-Turner’s Dilemma Theory connects paradox to innovation and development, ethical decision making and new narrative elements into culture.

Trompenaars (2007): “Culture is Orientation”.

A theory of human connectedness and social cohesion. Trompenaars (together with Hampden-Turner) gives a model of culture with seven dimensions that cover the ways in which human beings deal with one another.

Anholt (2008): “Culture is Nationality”.

National identity, sense of belonging, place of birth, place branding. According to Anholt, the fate of nations does not depend on their relationships with the governments of other nations: it depends more than ever before on their relationships with international public.

Moisi (2009): “Culture is Emotion”.

Moisi attempts to map the world according to three key emotions: hope, fear and humiliation. His “Geopolitics of Emotions” may appear initially to be a reductive and stereotypical vision, it turns out to be a clear-sighted plea for understanding “the Other” in the age of globalization.

9.5 Position dependence and hetero-stereotyping

Observer interpretation is determined by their position on the subject, by personal experience, and by familiarity with the subject. Effects of position dependence and hetero-stereotyping also play a role (Brown, 1991; Hewstone and Hamberger, 2000). The first refers to the effect that one can only observe within a limited scope from any given angle. The observation is always dependent on the position of the observer.

Hetero-stereotyping refers to the phenomenon that assessors tend to be milder when assessing familiar objects or situations, and harsher if asked to assess unfamiliar objects or situations. If transfer of the effect of hetero-stereotyping to the context of election observation is possible, one can argue that observers will tend to assess milder, in more favourable terms, when they observe a situation in a polling station that operates in a context that is familiar to them (i.e. a Russian observer would tend to judge milder in elections taking place in a former Soviet-State than in a Western European country). Observers observing the situation in a polling station that operates in an unfamiliar context will show tendency to judge more harshly (i.e. a Dutch observer observing elections in Albania would tend to judge more harshly).

Other effects that play a role in the occurrence or deterrence of bias in observation are (Storti, 2001):

1. Subjective consistency: recognizing the same object from widely varying sensory inputs;
2. Principles of grouping: the human mind has an innate disposition to perceive pattern (principles of Gestalt);
3. Contrast: the perceived qualities of an object are affected by the qualities of the context;
4. Motivation and expectation: perceptual expectancy as a predisposition to perceive things in a certain way: people see what they want to see (even if it is not one of René Magritte's pipes they see¹⁾).

¹⁾ René F.G. Magritte (21 November 1898 -15 August 1967) was a Belgian surrealist artist who became well known for a number of witty and thought-provoking images. His work challenges preconditioned perceptions of reality. Magritte's work frequently displays a collection of ordinary objects in an unusual context, giving new meanings to familiar things. Magritte painted the pipe "Ceci n'est pas une pipe", which seems a contradiction, but is actually true: the painting is not a pipe, it is only an image of a pipe. "Every person", Magritte added, "has his own image of a pipe in his mind".

9.6 The possible impact of culture in observing elections

Observations tend to get distorted on the basis of what was mentioned before. What is there for observers to observe in the electoral process? *Gerrymandering*, where officials draw electoral boundaries as such as to produce a particular result. *Carrousel voting*, is a type of vote buying in which voters form a line passing on already signed ballots from one voter to the next. If not detected, this type of fraud can go on for many hours. Carrousel voting is also referred to as 'Bulgarian train' as this was for the first time witnessed in Bulgaria. *Family voting*, where more than one person casts his or her vote in the polling booth (often involving members of one family).

Disenfranchisement which involves altering the composition of an electorate by disenfranchising some types of people, rendering them unable to vote. *Ballot stuffing*, where someone casts more than one vote. In its simplest form, ballot stuffing literally involves stuffing ballot papers into the ballot box. Another method is for voters to cast votes at multiple booths, on each occasion claiming that it is their only vote. Observers often stumble over misleading or confusing ballot papers. *Misrecording votes*, many elections feature multiple opportunities for unscrupulous officials or 'helpers' to record a vote differently from the voter's intentions. Voters who require assistance to cast their votes are particularly vulnerable to having their votes stolen in this way. Also, when votes are recorded through electronic or mechanical means, the voting machinery may be altered so that a vote intended for one candidate is recorded for another. *Abuse of proxy votes*. *Bussing*, transporting groups of voters from one polling station to another, letting them vote more than once. *Vote buying* and the handing out of *misinformation*. *Destruction or invalidation of ballots* is one of the simplest methods of electoral fraud; simply destroy ballots for the 'wrong' candidate or party. This, however, is unusual in well functioning democracies as most of the times it is difficult to do so without attracting attention.

A subtle, hence more easily achieved method is to make it appear that the voter has spoiled his ballot himself, rendering it invalid. This is typically done by adding a mark to the paper, making it appear that the voter has voted for more candidates than he was entitled to. Placing identical signatures is often hard to detect, also because writing varies between countries. Furthermore, there are cases of violence, illegal campaigning (in many countries it is forbidden by law to campaign in close vicinity of the polling station from 24–48 hours before election day) and intimidation.

An observer who is intercultural competent captures and understands more easily the specific concepts in perception, thinking, feeling and acting of the people from foreign

cultures with whom the observer works. The development of intercultural competence in observers is mostly based on experiences one comes across while communicating with different cultures (Huijser, 2006). While interacting with people from other cultures, the observer faces certain obstacles due to differences in the cultural understanding (Allport, 1954). The obstacle is ethno-convergence – cultural change induced by the introduction of elements of a foreign culture – which can easily lead to ethnocentrism (the view that one's culture is of greater importance than another's). Ethnocentrism takes different forms, as it is a highly personal bias, and manifests itself in countless aspects of culture. Religion, or belief, according to Fishbein and Ajzen (1975), is the prime ethnocentric divider. Second is custom, which may overlap religion. With the adherence to each distinct component, comes the repulsion of the other.

9.7 Research questions and methodology

Research questions

In the current explorative study, the cultural distance of the observer towards the situation being observed is investigated under the premise that culture-based bias tends to increase as a function of an increase in inequalities. In other words; when differences grow bigger, bias in interpretation tends to increase as well.

As the primary research question, we explored to what extend elections observed by election observers from multiple countries (multiple 'C-factor') are assessed in a significantly different manner than in situations where this variable does not play a role. Fundamentally the question raised is: to what extent does the 'C-factor' affect the assessment of observer in an EOM.

The primary research question brought forward the following secondary research questions, operationalizing the primary question as follows:

1. From what OSCE participating States did the election observers in the interval 1995–2011 (and further) originate?;
2. How many observations were made by observers per country and election during that interval?;

3. Can significant differences in the overall assessment be shown between observers stemming from different participating States?;
4. Can significant differences in the specific problems and irregularities be shown between observers stemming from different participating States?;
5. After controlling for differences between observer background characteristics, do observers stemming from different countries differ in their information provided in their reports as to (a) overall assessment and (b) specific problems and irregularities?;
6. Is there a variation between the countries observed in the impact of the 'country factor'?
7. Is the 'country factor' in the interval of the EOMs – from 1995 onwards – constant or variable?;
8. How can the assessment of the observers be interpreted in the light of cultural bias?
9. And finally, if any, does the measured effect of cultural bias have an effect on the content of the preliminary and final statements?

Methodology

The following methodology is proposed. Data based on the forms that are filled out by election observers during EOMs are collected for more than thirty EOMs within the OSCE region. The data refer to the election procedures in more than 50,000 different polling stations situated in the OSCE area. The data stem predominantly from Serbia, Bosnia and Herzegovina, Albania, the former Yugoslav Republic of Macedonia (fYROM), Montenegro, the Russian Federation, Georgia, Armenia, Azerbaijan, Ukraine, Belarus, Kyrgyzstan, Kazakhstan and Tajikistan in the period 1995–2011. Additionally, data will be collected on the basis of in-depth interviews among a group of selected observers.

1. Database election observation report forms

Teams of observers are requested to fill out election observation forms on the basis of consensus; one form per team per polling station. Team members are therefore forced to discuss their personal observations to reach consensus. Questions in the Election Observation Form refer to more general and factual aspects of the election process, such as the number of voters on the voters list and the number of women on the Voting Centre Committee, as well as to more specific and less tangible, more subjective issues such as the perceived tension/unrest in the polling station or the number of attempts to stuff the ballot box. At the end of the format an overall question as to how the overall assessment of the conduct of the poll at the specific voting centre is evaluated, is raised. Also, the opening, counting and tabulation report form show a similar structure: after specific problems and irregularities, the overall assessment question is included.

On the basis of the available data on the origin and background of both team members (e.g. every team is assigned a unique team number and can therefore be traced back to parameters such as country of origin, age, sex and less or more election observation experience), the question remains if – and to what extent – the aspect of nationality is of influence to the observations of the election process conducted by the observer teams. The ‘C-factor’ is abstracted from cross-referencing one nominal nationality against all other nationalities in a particular EOM (‘nationality A’ cross-referenced against ‘nationalities rest of the world’ (B-Z)). Furthermore, based on these findings the nationalities will be grouped together along the line of across country comparisons in terms of a characterization in welfare states (Esping-Anderson, 1990) and or in other – e.g. regional or political – divisions. The research will particularly focus on patterns when comparing the findings of the various EOMs.

II. Semi-structured interviews

There will be an ad random sample of observers selected cross-cutting different EOMs. In-depth verbal interviews will be carried out within this sample to further assess the impact of the culturally diverse backgrounds of the observers on the objectivity of their assessments. This information will also be used to structure a survey among election observers.

III. Survey

A survey among at least 500 observers will be designed to investigate specific aspects of the culturally diverse background of the observers. In addition, observers will be requested to judge a number of specific situations inside and outside the polling station.

9.8 Preliminary findings

The empirical analyses are based on a database in which all fifty-six OSCE member States are included. Actually, there is a total of 1,568 combinations of countries ($1/2 * 56 * 55$), e.g. Germany/Belgium, Russian Federation/Poland, United States/Ukraine, and Belarus/Austria. The first step was to look at the observations in which at least one observer from one specific country was included, e.g. all observations of teams with a German observer. The results of this one-nationality observer were compared with the findings of all other teams (hence, all other nationalities). So, basically in one election the total number of tests equals the number of nationalities present in this specific election. As stated, this revealed that in recent years the elections were covered by observers from some forty nationalities. Consequently, there was a need for forty tests.

Second, the EOMs in Armenia (2007 and 2008), Azerbaijan (2008), FYROM (2008), Serbia (2007) and Tajikistan (2006) were scrutinized. In this case, one specific characteristic (as a result of one of the questions raised in the report form) was explored: the overall assessment in the voting process. The main reason for not looking at the overall assessment for the other phases in the observations is the limited number of observations. Some other characteristics were discarded as well, as the overall assessment summarizes all specific problems and irregularities, as was demonstrated in the previous chapter (Schmeets, 2011).

In the case of Tajikistan, discrepancies were found in only five out of the twenty-eight country comparisons. Observer teams with observers from Finland, Italy or Slovenia were more negative in their assessment than other observer teams. Likewise, observers from Russia and Ireland were more positive. However, this might be accidental as observer teams from specific countries can be assigned to specifically designated 'problematic' polling stations and consequently are more negative than observer teams working in less problematic areas. In Armenia, there were hardly any differences between the observer teams. In 2007, only two countries showed a different pattern: teams with observers from Ireland or Spain were more negative in their overall assessment. And the same was true for teams with an observer from Croatia in 2008. Also, in Serbia 2007, there were two exceptions: teams with German or Canadian observers were more negative than all other teams. For FYROM 2008, four countries were found with different evaluations: Finland, France, Germany and The Netherlands were more positive. In all observations their assessment was either 'good' or 'very good', whereas on average a negative assessment was given in eight percent of all observations. Most discrepancies between countries were found in Azerbaijan in 2008: in total seven countries showed a different assessment: more positive were observers coming from the Russian Federation and the U.S., whereas observers from Austria, Belgium, Georgia, the U.K. and Estonia were more negative in their assessment.

Based on this overview, no clear pattern was found. Per country analyses is often based on a small number of observations, especially for countries with only one or a small number of observers deployed. Hence, another step was taken in which countries were grouped together in order to get more observations, creating more power for the tests. The divide in observers from areas West versus East of Vienna was used to make a comparison between the following three country groups: (1) east of Vienna; (2) west of Vienna; and (3) mixed teams. The overall assessment in the 2008 Azerbaijan elections was clearly more negative if both observers in the team were from the west (eight percent negative) than if both observers were from the east (four percent negative) or if the team was mixed in one observer from the west and one from the east (four percent negative). The same analysis was conducted for the five other elections. In two such instances observers from the area west of Vienna were again more negative in their assessment than the other observer teams.

9.9 Conclusions

International election observers would not be prime candidates for the lead in a remake of the U.S. blockbuster “Robocop”. Not because of lack of strength, nor lack of powers but because they are real human beings, not machines. It would take another kind of futuristic movie that would show election observers as mere observing and reporting machines, not having the discomfiting tendency to be influenced by their own views, opinions, perspectives or state of mind. The option of using robotic machines for election observation is invalid, because a machine that encompasses all the right skills to observe elections on the highest quality level has not yet been invented. It is argued even that the invention and subsequent use of a machine of such powers is not desirable, since it would take out the human dimension of observing, with its deterrent biases but also with its great opportunities to work through and towards citizens on the enhancement of the election process.

Based on a database which includes 1,568 country combinations, in a first step all observations based on teams from a specific country were compared with all other findings. Only a small number of significant differences in the overall assessment was revealed. Moreover, no clear pattern was found when comparing the results based on six EOMs in recent years. One limitation of such a research is the small number of cases. Therefore in a second step countries were grouped along the west/east across country comparison. The explorative analysis shows that observers from Western European origin show a tendency towards harsher assessment of elections whereas observers from Eastern European origin as well as mixed – East/West – teams show a tendency towards milder assessment. This provides at least some indication that election observation organizations such as the European Commission and the OSCE/ODIHR, at present have found momentum – on the basis of ever growing diversity in nationality amongst their observer population – for reflecting on the nature of the measured effect and its consequences.

However, more analysis based on a substantial number of EOMs is needed to draw conclusions as to whether a C-factor exists or not. In particular we have to focus on patterns of the various impacts of nationality on the observers’ assessments. If there is a substantial variation between the various EOMs, not only the C-factor should be recognized in dealing with conclusions as to whether the elections meet international standards, but also other – e.g. political – factors.

9.10 Literature

Allport, G.W. (1954). *The Nature of Prejudice*. Cambridge, U.S.: Addison-Wesley.

Anderson, B. (1983). *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London & New York: Verso Books.

Anholt, S. (2008). *Competitive Identity. The New Brand management for Nations, Cities and Regions*. London, U.K.: Pelgrave Macmillan.

Appiah, K.A. (1996). *Cosmopolitan Patriots. For love of country*. Boston, U.S.: Beacon Press.

Appiah, K.A. (2006). *Cosmopolitanism: Ethics in a world of strangers*. New York, U.S.: W. W. Norton and Co.

Archibugi, D. (2008). *The Global Commonwealth of Citizens. Towards Cosmopolitan Democracy*. Princeton, USA: Princeton University Press.

Banks, J.A. and Ch.A. McGee-Banks (1997). Approaches to Multicultural Curriculum Reform. *Multicultural Education: issues and Perspectives (3rd ed.)*, Chapter 10, 229–249. Boston, U.S.: Allyn and Bacon.

Beck, U. (2006). *Cosmopolitan Vision*. Cambridge, U.S.: Polity Press.

Boggs, D.L. (1992). Adult Civic Education. *ERIC Digest No. 129*. Columbus, U.S.: ERIC Clearinghouse on Adult Career and Vocational Education.

Boli, J. (1998). Rights and Rules: Constituting World Citizens. *Public Rights, Public Rules: Constituting Citizens in the World Polity and National Policy*, C.L. McNeely (Eds.). Chapter 3, 27–33. New York, U.S.: Garland.

Brown, D. E. (1991). *Human Universals*. New York, U.S.: McGraw-Hill Inc.

Cicero, M. (45 BC). *Tusculan Disputations*. Edition Loeb Classical Library, J.E. King translation (1927).

Cornes, A. (2004). *Culture from the Inside Out*. Maine, U.S.: Intercultural Press.

- Banks, J.A. and Ch.A. McGee-Banks (1997). Approaches to Multicultural Curriculum Reform. *Multicultural Education: Issues and Perspectives* (3rd ed.), Chapter 10, 229–249. Boston, U.S.: Allyn and Bacon.
- Esping-Anderson, G. (1990). *The three worlds of welfare capitalism*. Cambridge, UK: Blackwell Publishing.
- Fishbein, M. and I. Ajzen (1975). *Belief, Attitude, Intention and Behavior: An introduction to Theory and Research*. Reading, MA: Addison-Wesley.
- Georg, A.L. and A. Bennet (2005). *Case Studies and Theory Development in the Social Sciences*. Cambridge: The MIT Press.
- Gilroy, P. (2004). *After Empire: Multiculture or Postcolonial Melancholia*. New York, U.S.: Routledge.
- Guidry, J., M. Kennedy and M. Zald (Eds.). (2003). *Globalizations and Social Movements: Culture, Power, and the Transnational Public Sphere*. Ann Arbor, U.S.: University of Michigan Press.
- Hampden-Turner, Ch. (1997). *Riding the waves of culture: understanding cultural diversity in business*. London: U.K.: Nicholas Brealey.
- Hewstone, M. and Hamberger, J. (2000). Perceived variability and stereotype change. *Journal of Experimental Social Psychology*, 36(2), 103–124.
- Himmelfarb, G. (1996). *The Illusions of Cosmopolitanism. For love of country*. Boston, U.S.: Beacon Press.
- Hofstede, G.J. (1980). *Culture's Consequences*. California, U.S.: Sage Publications.
- Hofstede, G.J. and P.B. Pedersen (2004). *Werken met Cultuurverschillen*. Amsterdam, Netherlands: Business Contact.
- Hofstede, G. and G.J. Hofstede (2005). *Cultures and Organizations. Software of the Mind*. New York, U.S.: McGraw-Hill.
- Hollinger, D. (2003). Not Universalists, not Pluralists: The new Cosmopolitans find their way. In: Vertovic S. and R. Cohen (Eds.), *Conceiving cosmopolitanism*, 227–239. Oxford, UK: Oxford University Press,

- Huijser, M. (2006). *The Cultural Advantage. A New Model for Succeeding with Global Teams*. Maine, USA: Intercultural Press.
- Jacobs, M.C. (2006). *Strangers Nowhere in the World, the Rise of Cosmopolitanism in Early Modern Europe*. Philadelphia, U.S.: University of Pennsylvania Press.
- Kenny, M. (2004). *The Politics of Identity. Liberal Political Theory and the Dilemma's of Difference*. Cambridge, UK: Polity Press.
- Kim, U. (2001). Culture, science and indigenous psychologies: an integrated analysis. D. Matsumoto (Ed.), *Handbook of culture and psychology*. Oxford, UK: Oxford University Press.
- Kymlicka, W. (2002). *Contemporary Political Philosophy; an Introduction*. Oxford, UK: Oxford University Press.
- Macedo, S. (2000). *Diversity and distrust: civic education in a multicultural democracy*. Cambridge, USA: Harvard University Press.
- Mayo, M. (2005). *Global Citizens: Social Movements and the Challenge of Globalization*. New York, USA: Palgrave Macmillan.
- Moisi, D. (2009). *Geopolitics of Emotions*. New York, U.S.: The Doubleday Publishing Group at Random House.
- Peters, M.A. (2001). *Poststructuralism, marxism and neoliberalism: between politics and theory*. Oxford, UK: Rowman and Littlefield.
- Pettigrew, T.F. (1998). Intergroup Contact Theory. In: J. Hagan & K.S. Cook (Eds.), *Annual Review of Psychology*, 49, 65– 85. Palo Alto, CA: Annual Reviews.
- Putnam, R. (2007). E Pluribus Unum: Diversity and Community in the Twenty-first Century. The 2006 Johan Skytte Prize Lecture. *Scandinavian Political Studies*, 30(2), 137–174.
- Resina, J.R. (2006). The scale of the nation in a shrinking world. *Diacritics*, 33(3), 46–74.
- Schmeets, H. (2011). Analyzing observer report forms: an overview. In: Schmeets (Ed.), *International election observation and assessment of elections*. The Hague/Heerlen: Statistics Netherlands.
- Smith, J. (2007). *Social Movements for Global Democracy. Themes in Global Social Change*. Baltimore, U.S.: Johns Hopkins University Press.

Storti, C. (2001). *The Art of Crossing Cultures*. Maine, U.S.: Intercultural Press.

Trompenaars, F. (2004). *Managing People Across Cultures*. Chichester, U.K.: Capstone.

How to improve
election observation
missions?

10

How to improve election observation missions?

10.1 Introduction

10.2 Training observers

10.3 Observer report forms

10.4 Local staff, long-term observers, and core team

10.5 Conclusion

10.6 Literature

10 How to improve election observation missions?

Anders Eriksson

10.1 Introduction

In the mid 1990s, election observation was a growing activity and most missions were organised on an ad hoc basis. In 1996, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) issued the first edition of the Election Observation Handbook which outlined a long-time observation approach (OSCE/ODIHR, 1996). Several revised editions followed. The new approach broadened the perspective to all stages of the election process and its primary focus was no longer solely fixed on the Election Day activities. At the same time the European Union (EU) increased its activities in election observation, but still on an ad hoc basis. In 2000, the EU published the Communication 2000 (EU, 2000), a document that gave the EU missions a structure as well a focal point for elections at the European Commission in Brussels. The first EU election observation handbook was published in 2001 (Eriksson, 2001) followed a few years later by a Compendium of International Standards for Elections (EU, 2005). Both have been revised twice. In addition, a number of different guidelines covering various aspects of the election process have been published and used in the field.

Handbooks and instructions alone, however, are not sufficient to raise the quality of analysis of election processes or improve election observation missions. Training of election observers is a crucial element to enhance the quality of observation missions. All categories of election observers must be trained: members of the core team, long- and short-term observers. Since 2001, the EU has been training all categories of observers while ODIHR has been training short-term observers from the OSCE participating States that are not members of the EU. In addition, observers are trained on the ground prior to their deployment to their area of observation. Some EU Member States train their own observers, but this activity is very limited. The other instruments for observers are reporting templates and instructions, but they are not always used as often as needed.

The tools are there, but are they used? The short answer is yes, but not as much as they should be. Using handbooks and compendiums more frequently and systematically would increase the quality of the analysis of election processes and strengthen the conclusions. The Compendium should be an integral part of the analysis. It describes all levels of standards/commitments, and lists the countries that have signed and ratified the treaties applicable to international standards for elections. This tool is easy to use.

10.2 Training observers

Training of observers on the ground must be improved. Even if many observers carry out several missions, consistent methodology is lacking. Moreover, the people, mainly core team members, who train others, are not trained to deliver training themselves. Therefore, the quality is sometimes not up to the standard. When observers arrive in a mission, they, as a general rule, are given one day of training. All aspects are covered in a hectic tempo as there is always a lot to be covered. But, what must the short-term observers really know before they are deployed to the area of observation? This is how to observe and report, the Code of Conduct, the logistics and the security aspects. Those are perhaps the most important parts to be covered in a briefing. Of course, the political landscape and some legal aspects must also be mentioned, but it is not vital for the observation as such.

The main task of short-term observers is to observe and report on their findings. This is why the observation and reporting procedures are perhaps the most important parts of the training. The personal behaviour of observers is of utmost importance, so repeated training in the Code of Conduct is necessary.¹⁾ Security aspects, including communication, must also be covered during the training and observers must be given an adequate briefing in this area. The security training must be specific and adapted to the country, and not be a general briefing that observers have attended before. Logistic information is obviously a part of the training and observers are always keen to listen to it.

The size of the mission plays a key role in what can be achieved. With hundreds of observers it is not easy to arrange proper conditions for a briefing. Together with the time factor it is difficult to create a learning environment. Splitting the general audience into groups can substantially increase the quality of the training. This also means that the same message must be repeated several times which elongates the training process and

¹⁾ See: <http://www.osce.org/odihr/elections/16937>

requires more human resources. Despite the short time on the ground it is perhaps worth to set aside two days for the training purposes.

Timing is another aspect. Observers who have travelled overnight and are jet-lagged are not very receptive. So, the timing of the training is another factor to take into account. A morning session with sleeping observers straight after a long flight is not recommended.

The EU trains core team members and long-term observers coming from the EU Member States. The quality of the training is generally good. But is the knowledge used in the field? A small study carried out after several years of training activity showed that the people who were trained were not in the majority of the observers selected for the missions. This is, of course, a waste of knowledge and resources. People trained in observation methodology hopefully perform better in the field than the untrained. A change of life situation plays a role, but that factor was taken into account by the researchers.

Some EU Member States do train their own observers, but it is not a common practice. Training prior to departure to the host country makes it easier for the observation mission to focus on the essentials in the in-country training. The main reason for the lack of training by Member States is probably the lack of resources. It may be a too heavy burden for some Member/participating States to carry out the training, but all support should be given to the initiatives to train observers. The OSCE/ODIHR training of observers who come from non-EU participating States should be strengthened and supported. Their training has an immediate impact on quality, because many newly trained observers are sent on missions almost directly after the training sessions.

A more immediate impact is to recruit “junior” analysts to the core team, which has been done in most OSCE/ODIHR missions for several years. This is done with the purpose of introducing new people to election observation. It has a cost implication, but it is money well spent. This type of direct training in the field is probably more effective than the training of core team members in seminars. Is it possible to re-allocate the money?

E-learning is one of the ways to train observers prior to their departure to the host country. Projects, both in the EU and the OSCE/ODIHR, are carried out but not yet implemented and used. E-learning can complement the in-country training and reduce the time spent on some subjects in the training on ground. E-learning cannot replace regular training though – it is complementary. For security training the UN training modules can be used. It is unnecessary to produce separate security training modules for the EU and OSCE/ODIHR missions.

10.3 Observer report forms

To streamline reporting from an election observation mission, the use of reporting templates should be enforced. The Election Day report forms used in OSCE/ODIHR missions look almost the same from mission to mission. The only part that is changed, for obvious reasons, is the section that deals with the election procedures. All other sections look almost the same from country to country. The approach in the EU missions is not the same. The forms differ a lot in terms of the content and layout, despite clear guidelines in the EU Election Observation Handbook on how the forms should be designed and how the sections and questions should be organised. For observers it is an added value that the forms look the same from mission to mission. Therefore, it is important that core teams follow the instructions given in the handbooks.

Over the years, the Election Day report forms have been forwarded from the field to the headquarters in various ways, mainly by facsimile communication in the OSCE area. With thousands of report forms coming to the core team during the Election Day and night, the system must be efficient. It must be improved, but there are no obvious solutions. Much depends on the host-country's infrastructure, access to mobile network etc. Special resources should be set aside to improve and investigate solutions to improve the reporting system. It is not always the time factor, it is also about the quality of the forms, not the content but the readability. Another major factor is the time-consuming process by which the short-term observers send the observer report forms and other information to headquarters. This takes time away from the actual observation in polling stations.

10.4 Local staff, long-term observers, and core team

Local staff is an important element of any observation mission. They have country specific knowledge and speak the local languages. In some missions their capacity is not used to the full. There is a need to train the core team members and long-term observers on how to use the knowledge of their local staff. The local staff can also be a good resource as observers in other countries. There should be a mechanism in place where the core team can recommend good local staff to work in future election observation missions in other countries. It has been done on a few occasions, but it is not a common practice.

The main task of long-term observers is to report from the regions. They meet the same category of people at the regional level as the core team does in the capital city. It is a stressful work and a lot of time is spent travelling around in their area of responsibility. Much time is spent on the logistics preparations for short-term observers: to find suitable accommodation, communication facilities, interpreters, cars, drivers etc. For quite a while they have to move away from regular reporting on the election campaign, parties, candidates, EMBs, civil society etc and to concentrate on such logistics arrangements. The question of resources resurfaces, but it is recommended to reinforce either the long-term observers or the core team with people who would take over the entire responsibility for the logistics component of the short-term observers out in the regions.

A logistics expert in the core team is not enough. That expert's main focus must be the logistics in the capital: the arrival and departure of observers, deployment to the regions, arrangements for briefings etc. In the EU missions this is a minor problem due to the fact that all the logistical arrangements are taken care of by an implementing partner or agency.

10.5 Conclusion

The quality of election observation missions has increased tremendously over the years as well as the number of implemented missions, but there is still space for improvement. To get the “story” on an election process, the observation missions need well-trained and competent observers at all levels able to collect information, analyse data and draw conclusions.

10.6 Literature

European Commission (2000). *Communication from the Commission on EU Election Assistance and Observation, COM 191 final*. Brussels: European Commission.

Eriksson, A. (Ed.) (2001). *Handbook for European Union Election Observation Missions*. Stockholm: SIDA.

Electoral Reform International Services (2005). *Compendium of International Standards for Elections*. London: ERIS.

OSCE/ODIHR (1996). *Election Observation Handbook first edition*. Warsaw: OSCE/ODIHR.

MEMO 98 –
methodology of
monitoring media
during elections

11

MEMO 98 – methodology of monitoring media during elections

11.1 Introduction

11.2 Quantitative approach

11.3 Qualitative approach

11.4 Indicators

11.5 Monitoring political and electoral coverage

11.6 Conclusion

11.7 Literature

11 MEMO 98 – methodology of monitoring media during elections

Rast`o-Kužel

11.1 Introduction

MEMO 98's methodology has been proven and tested in some 35 countries (Mračka and Carver, 2011). Given its comprehensive content-oriented approach, it is specially designed to provide in-depth feedback on pluralism and diversity in media reporting, including coverage of various subjects/themes. As such, the outcome of the monitoring is not be a set of empty and superficial data, but a detailed analysis and evaluation of the level of political and social diversity in the media reporting, examined in the proper context.

Media monitoring methodologies are divided into those that are quantitative and those that are qualitative. Quantitative media monitoring identifies numeric measures or indicators that can be counted and analyzed. Qualitative media monitoring is used to assess the performance of media against measures, such as ethical or professional standards, that cannot be easily quantified.

11.2 Quantitative approach

The quantitative component of the monitoring consists of a content analysis of a representative sample of media outlets, focusing on compliance with standards that are themselves quantitative, such as the amount of time or space. Media monitors measure the total amount of time and space devoted to selected “subjects” (political parties, government, president etc.) as well as to selected monitored topics – e.g. social issues,

corruption, EU and NATO integration etc. In so doing, we can determine whether or not broadcasters are complying with certain legal obligations, such as the requirement that broadcasters respect political pluralism. Social pluralism might be measured by counting how frequently representatives of various social groups are given air time, or how often various social issues are discussed.

To monitor the broadcast media (television and radio), monitors use stopwatches (a DVD timer could also be used for television) to measure the actual “direct appearance time” of previously selected subjects. They also separately record each instance where a subject is mentioned indirectly (e.g. by a news presenter or by someone else) as a “reference”. For the print media, monitors measure the space dedicated to relevant subjects – in square centimeters (cm²). As for the indirect references in the print media, monitors record them as “remarks”. The quantitative analysis for the newspaper coverage is categorized according to a page number on which an article relevant for the monitoring appears. The format of the news coverage is also categorized based on: headlines, article, editorials, photos, paid/free advertisement, cartoons, commentaries, news item and news report. To monitor web sites, monitors use a similar methodology to that used for monitoring of the print media. Instead of measuring the relevant subjects & topics in cm², monitors measure the text in words (using the word counter) and photos in pixels. An alternative method could also be applied however by printing the news from the web sites and using the same approach as for the print media monitoring.

Monitors also evaluate the tone in which the relevant subjects are portrayed – positive, neutral or negative. These data are recorded for all stories and presented graphically to illustrate differences between outlets and differences over time.

It is important to keep in mind that it is the behavior of media outlets that is being assessed, not the monitored subjects. Positive and negative ratings refer to whether or not a viewer is offered a positive or negative impression of the subject or topic. Examples of positive evaluation of the selected subject would be: XY is the most popular member of the parliament; people like XY and adore him; XY is a respected politician. Examples of negative evaluation would be: AB is a political loser; AB is not an honest politician. If there is no positive or negative evaluation, the message is neutral, for example when the report says: ZY is a candidate.

In addition to the evaluation, it is also important to understand the context in which the message is reported, giving the message positive or negative light just by the nature of the story or event reported. For example, the fact that XY negotiated the peace agreement, or the fact that the unemployment rate in the country will be reduced due to new law proposed by the member of parliament XY is perceived by the majority of society as a rather positive development. On the other hand, inherently negative stories could feature for instance: AB, a minister whose car injured a pedestrian because it did not respect the

speed limits. The fact that ZY participated at parliament session is neutral.

The tone of the coverage is positive if the way the message is presented and the nature of the message are both positive, similarly if the both factors are negative, the tone is negative. The neutral tone is the result of both factors being neutral. If the way the message is presented and the context of the message do not match, monitors have to determine the tone according to what is the prevailing factor (so it could be either the content of the story or context).

Monitors will give an evaluation mark to all subjects, in addition to space and reference, to provide information on how the subject was portrayed by a media outlet. The evaluation mark is thus attached to all monitored subjects to determine whether the subject was presented in positive, negative, or neutral light. The description of the five-level evaluation scale is as follows: Grade 1 and 2 mean that a certain monitored subject was presented in a very positive or positive light respectively; in both instances the news coverage is favorable. Grade 3 is a “neutral mark”, with the coverage being solely factual, without positive or negative connotations. Grades 4 or 5 signify that a subject was presented in a negative or very negative light respectively. Such coverage has negative connotations, accusations or one-sided criticism of a subject portrayed in an item or story. It is always important to consider the actual evaluation (judgment) on the monitored subject and also the context of the story or item.

In order to eliminate any elements of subjectivity present in qualitative analysis, a project coordinator should do frequent checks on how individual monitors analyze the media. Where there is a difference of opinion over the evaluation of a particular item, the whole monitoring team (or a team leader) evaluates the item before making a final decision on its “tone.”

11.2.1 Sample of monitoring form for the broadcast media

#	ITEM TIME	Type of progr.	Subject/affiliation	TOTAL TIME	Direct/Indirect	TONE

11.3 Qualitative approach

Qualitative monitoring addresses aspects of the broadcast output are usually not measured quantitatively. Monitors report about lies, distortions, unbalanced coverage, unfairness, inaccuracy, bias and anything else that is important to presenting the quality of reporting. These data are reported separately (see the attached form “Content analysis”), but are integrated in the comments and conclusions of the narrative reports.

The qualitative methodology focuses on the content of stories and the monitoring team will thus focus on important aspects of the information presented by TV channels, such as its quality and variety, producing findings on its structure (themes and topics) and assessing the overall quality of reporting provided by each TV channel, based on its overall informational value.

For the qualitative analysis, local monitors will also be asked to:

identify the sources for a story;

- evaluate the placement of selected stories and items in comparison with other reported topics and issues;
- evaluate the overall quality of information provided about selected subjects & topics;
- evaluate journalist’s knowledge of the reported subject & topic;
- evaluate the ability of the author to work with facts and information;
- evaluate the ability of the author to engage audience;
- overall impression of how the media outlet covers selected subject & topics related stories;
- in case an interview is conducted, are the questions fair or “loaded”;
- how does the language shape the audience’s understanding and perception of a story;
- does the media outlet use certain language, graphics and camera angles to influence the audience’s perception of the monitored subjects and topics;
- evaluate journalist’s involvement in the story;

Other relevant issues which should be included into qualitative are as follows:

- Is there any relevant information missing? (Media often avoid the problem of how to cover politically sensitive stories by simply not covering them at all. It is also important to look at how or whether gender issues are covered);
- Choice of issues (Does the selection of news items favor the agenda of one party or another, even if there is no explicit bias?);
- Similar style of coverage (Are campaign events of different candidates reported in similar ways /for example, do they all receive actuality footage or direct quotation) or do only some of them?;

- The incumbent factor (Are the activities of incumbent officeholders who are also candidates properly reported – or are the two roles confused to the incumbents' advantage?);
- Positioning items (Are items about the opposition placed alongside other unfavorable stories /e.g. foreign accounts of political violence/ to create an unfavorable impression?);
- Priority (Are some candidates always reported ahead of others in the running order of bulletins?);
- Inflammatory language (Are inflammatory language or actual incidents of violence reported in an accurate, sober and balanced manner, with all sides quoted? Or is media reporting itself inflammatory and unbalanced, with the danger that it could lead to further violence?);
- Manipulative use of film, picture and sound (camera angles, distance of the camera from the candidates, light, quality of the sound, use of footage which does not correspond with the content of the story or which provide negative or positive tone to the story);

A key component of the monitoring methodology developed here is that it is a qualitative approach to monitoring the content of the media. Below is a draft guideline for monitors for *content based monitoring* as opposed to the more common but far less thorough *product oriented media monitoring*.

11.4 Indicators

Indicators in media monitoring (as in all social science research) must meet two important criteria. They must be both *reliable* and *valid*.

- *Reliability* means that they can be consistently identified by any trained monitor. Hence, assigning each code would always yield the same result whoever is doing it. This is achieved first by selecting indicators that are objectively verifiable – they are not the result of subjective opinion or preference on the part of the monitor. Time-related indicators are clearly objective, as are pre-determined lists of codes that identify different topics or different types of people who appear in the broadcast. Consistency is achieved by thorough training and practice.
- *Validity* means that the selected indicators actually show what they are intended to show. Indicators must be selected for a clear purpose and not interpreted to show more than they actually do indicate. For example, counting the number of times women are cited as sources does not necessary indicate that the media have a gender

bias. If women's voices are under-reported there are several possible explanations for this. It might be media bias, but it may equally be that institutions of government, political parties and businesses do not choose women to represent them.

The common indicators that are generally used in the monitoring methodologies described here are the sources of information identified in broadcasts, the topics that are covered and, of course, the time allocated to different topics and speakers. When a more complex evaluation is being conducted it may be necessary to identify other indicators.

A sample of a Content Analysis Form

A Guide for Content Based Monitoring (SAMPLE)

EDITORIAL COVERAGE

– **OMMISSION OF IMPORTANT NEWS AND FACTS**

Media often avoid the problem of how to cover politically sensitive stories by simply not covering them at all. It will be important to look at how or whether all important issues are covered.

– **WERE ANY IMPORTANT NEWS ITEMS OF THE DAY NOT REPORTED? (IF IT WAS REPORTED IN OTHER MEDIA, PLEASE SAY WHERE)**

Compared to other media sources and information available, were any significant reports not included in this broadcast?

Were any relevant subjects excluded from this broadcast? Over time, does this indicate a pattern by this media outlet? Did the media outlet appear to make an effort to include different points of views and information?

– **DID YOU NOTE ANY "MEDIA EFFECTS" THAT COULD INDICATE BIAS OR DISTORTION? (PLEASE CITE ITEM AND TIME, AND DESCRIBE FULLY)**

Do the video images, photos, or graphics used in this report present the subject fairly and relevant to the subject of the report?

Do the images presented appear to accurately reflect the facts of the situation? Please also pay attention to graphics or cartoons that may be used to create a favorable or negative attention. Also important is the order and placement of news items.

Who is first, who is on the front page?

– **PLEASE NOTE ANY STATEMENTS OR REPORTING YOU FEEL WAS DISTORTED, UNTRUTHFUL, OR PREJUDICIAL AGAINST CERTAIN INDIVIDUALS OR GROUPS. (PLEASE CITE ITEM AND TIME, AND QUOTE WORD-FOR-WORD)**

Does a journalist make statements which are not factual? Does a journalists use language or descriptions which are flattering or derogatory to a particular person or institution? Does a journalist make statements that may be attacks on an individual or an institution? Does a journalist report as fact similar statements made by anyone else?

– **WAS ANY DESCRIPTION OR LANGUAGE USED THAT YOU FEEL WAS BIASED OR INCORRECT? PLEASE BE AS SPECIFIC AS POSSIBLE. (PLEASE CITE ITEM AND TIME, AND QUOTE WORD-FOR-WORD)**

Does the journalist use specific words or descriptions that give a negative or positive image of a particular person, or institution?

The main analytic techniques used are *aggregation* and *cross-tabulation*. Aggregation simply consists of adding up (and comparing) data such as the amount of direct and indirect broadcast time afforded to political figures. Cross-tabulation or crossing variables, which is easily carried out even with basic spreadsheet software, compares the distribution of frequency of a variable in another variable, to check their degree of association. At its simplest this would show, for example, if a political figure was more quoted by one broadcasting station than by another. More complex analysis could show the association between the topics reported by the media and the sources that they use.. The possibilities for crossing variables are extensive. In this document we offer some of the most important examples, but the methods that we propose will open the possibility of further analysis of this kind.

11.5 Monitoring political and electoral coverage

The media play a vital role in elections, as they inform voters about contestants and campaign developments, as well as about the election process. The media provide platforms for candidates to communicate their campaign messages to voters, analyze campaigns, communicate the views of various political groups, and report about those who hold power and seek to gain it again. The role and the functions of the media are limited if they do not enjoy free space to operate and to access information. The media should enjoy the freedom and no one should be allowed to restrain this because of their essential watchdog role. The media should adhere to the principles of fair coverage. A free and fair election process requires the media to treat all the contestants in a balanced manner and to strive to provide timely, correct and unbiased reports about all key political and election developments.

International human rights treaties, declarations and cases have created a number of standards by which we can measure the environment in which the media operate during elections. There are several fundamental principles which, if promoted and respected, enhance the right to seek, receive and impart information. During elections, media monitors provide benchmarks to judge the fairness of the election process. They assess the behavior of the media during various phases of the election process and evaluate their compliance with international standards and local regulations on election coverage. They help to establish whether the candidates were given access to media to convey their messages to voters and whether information available through the media was adequate for voters to make a well-informed choice at the ballot box.

Statistical data on the amount of time dedicated to contestants, the manner in which contestants and other key political actors are covered by the media, analyses of bias, extent and quality of voter education campaigns or relevancy of election-related information serve as basis for analyses. The results of the monitoring demonstrate how the media has behaved and keep the public and contestants aware of these issues. When shortcomings are identified, corrective action should be taken to improve media coverage or protect of media rights and freedoms.

During the elections, the broadcast media are key instruments influencing and shaping political, social and cultural realities and they have to comply with the ethical and professional standards of journalism. The nationwide media play a key role practically in all types of elections, as they serve as a primary source of information. Regional or local

media could also play an important role, both in parliamentary elections in the case of majoritarian election system or in local elections.

When assessing the variety and structure of the news, the following topics could be included:

- Domestic Politics,
- Economy
- Social issues
- Human Rights
- Energy issues
- International Affairs
- Relationship with other countries
- Health-care
- Culture
- Environment
- Civil Society
- Religion
- Minorities and Women
- Other

For each day's coverage on a channel or each issue of a publication, monitors complete a monitoring form. These forms are then reviewed by a data enterer who enters the data into a special monitoring programme (database). MEMO 98 adapts and develops special forms and a database for the project, and ensures their proper explanation during the trainings.

11.6 Conclusion

In conclusion, the methodology provides for tools that allow monitors to address the following questions, among others:

- Is there balance and fairness in broadcasters' coverage of election campaigns?
- Do broadcasters exercise balance in their coverage of contentious social issues?
- Is there gender balance in the voices quoted in news programmes?

11.7 Literature

Mračka, M. and R. Carver (2011). *Monitoring Moldovan Broadcasters: Methos and Techniques*. Chisinau: MEMO 98 and Oxford Brookes University

Working for
democracy:
the effectiveness
of election
observation

12

Working for democracy: the effectiveness of election observation

12.1 Introduction

12.2 Observe and report, detect and deter

12.3 Polling station by polling station

12.4 Ukraine and its 2004 presidential election

12.5 Testing the “Observer effect” through election results

12.6 All else being equal: what does it mean?

- The first round
- The second round
- The repeated second round

12.7 Conclusions

12.8 Literature

12 Working for democracy: the effectiveness of election observation

Marta Regalia

12.1 Introduction

The world has witnessed a dramatic expansion of democracy since the 1970s. Huntington's "Third wave" of democratic transition began in Southern Europe and then spread to Latin America, Asia, Eastern and Central Europe, and continued through the 1990s in Africa. Along with this expansion of democracy and after the fall of the Berlin Wall, American, European, and multilateral governmental or non-governmental organizations have put in place fundamental democratization initiatives in the fields of diplomacy, foreign aid, and technical assistance, with the aim of supporting and strengthening those democratic transitions. Their work has focused mainly on sustaining political parties and civil society, training judges, conducting civic education campaigns, developing new constitutions and (above all) electoral laws, and observing elections. While it is still not clear if this growth of international democracy promotion can be considered an effect or a cause of the numerous democratic transitions, it can be claimed with a good probability of not being disowned by facts that such assistance efforts have reinforced and sustained the global trend toward more democracy.

Despite the huge support for human rights, rule of law, mass media, and civil society programs, the bulk of the international democracy assistance has been devoted to elections. According to Bjornlund (2004), the reasons are straightforward. First, elections are a necessary, constitutive element of democracy (though not a sufficient one). Second, elections attract much attention of international agencies and donors. Third, the end of the Cold War, removing the justification for supporting authoritarian regimes, brought about an international consensus on the importance of democracy and elections. Fourth, elections marking the end of a civil war in which struggling democrats challenge

autocratic incumbents capture the international audiences, in particular as international aid is often conditional on holding of free and fair elections. Fifth, elections have been expected, rightly or wrongly, to play a major role in helping to resolve long-standing conflicts or in initiating or consolidating a democratic transition. While this last reason sounds a little naïf (there are a number of other actors, factors and processes involved), we should not forget that elections are an essential part of democracy, and must be treated as such.

With this strong emphasis on elections, the industry of election observation (both international and domestic) has developed in scope, extent and influence. The importance given to elections has both resulted from and contributed to making election observation a common, accepted, international democracy promotion initiative. The amount of money devoted to this enterprise has increased enormously during the 1990s, and election observation has evolved from an ad hoc activity of experts, politicians and academics under the umbrella of American and European governmental and non-governmental organizations, into an institutionalized practice, a *sine qua non* for conferring international legitimacy to democratizing regimes.

Election observation is not perceived as essential in established democracies. It is not accepted in authoritarian regimes. But it has become the norm in democratizing countries and hybrid regimes. In such countries, election observation is considered a prerequisite for elections to be considered legitimate. It is increasingly difficult for countries in transition to explicitly refuse international observation. Governments that refuse observers tend to pay a significant price in terms of international legitimacy. Therefore, governments that lack a genuine commitment to full transparency have preferred to try to restrict who can observe or what observers can do, thus manipulating not only the election, but also the observation process.

Along with resources, demands on and the influence of election observation have also grown. Internal and external political actors, journalists, academics and common citizens rely on their assessments. However, very often too much is expected of the work of election observers. We should not forget that their task is limited to observing and reporting on the electoral process. International actors, domestic politicians and citizens in general, however, often expect international observers to deter (not only detect) fraud, to provide, with their mere presence, a fair political field, and, furthermore, to guarantee the integrity of the process.

Obviously, observers do not have all this influence and power. Actually, they have no formal or legal role in the process and they must not be involved at all if we want them to be truly neutral. At most, they can have some positive spill-over effects, or unintended consequences, as deterring election-day fraud thanks to simply being there (Bjornlund, 2004, pp. 9–12). This chapter will be devoted to the analysis of an empirical case which will allow us to check the hypothesis, often advanced by practitioners, that international election observation missions are able to deter election-day fraud.

12.2 Observe and report, detect and deter

The question I would like to answer relates to the “effect of international election observation on election-day fraud”. This means trying to discover the influence of the simple presence of observers on the behaviour of candidates, electoral staff, and voters. Even if proponents of election observation promote this instrument claiming its potential to reduce fraud, that capability (that must first be proved) can be classed among the “unintended consequences” of international election observation, since the stated role of observers is simply to “observe and report” on an electoral process. Its potential is to reassure the electorate that it is safe for them to vote and run for office and/or to deter fraud. While this is a fundamental element of the role of observers, it is not technically part of the observers’ job. They are some of the “positive” spill-over effects or unintended consequences, something that the mere presence of observers can provoke under certain circumstances without explicitly meaning to.

Is it true that electoral observation can bring cleaner elections, as proponents of this costly enterprise assert? The answer to this question is of fundamental importance to the evaluation of the effectiveness of election observation. We want to know if we are spending our limited resources (in time, money, staff, etc.) well, if our efforts are worth doing, if our actions have the expected consequences. Therefore, the question we should answer is: *What is the effect of international election observation on election-day fraud?* Many scholars and practitioners assert that the mere presence of electoral observers works as a deterrent, helping to reduce election-day fraud. Is it empirically valid? Can this assertion be tested?

What we are studying therefore is the observer effect on the behaviour of the actors involved in the electoral process, mainly on actors committing fraud on Election Day. While election irregularities (fraud, manipulation or violence) may take place before and after Election Day, and may be more effective in the pre- and post-election period, I am concentrating on election-day fraud¹⁾. Candidates or parties engage in various election

¹⁾ Actually, there is an intrinsic difficulty in measuring the effect of observers on election irregularities taking place, for example, during the campaign period or the adjudication of election-related disputes.

irregularities in order to win an election that would otherwise have an uncertain result²⁾. It is not my intention to check if the presence of observers has an effect on all of them, because that would be difficult and misleading. Most irregularities occur well before election-day, such as intimidating candidates, hindering their participation in the election, putting undue pressure on mass media or manipulating voter lists. Other irregularities may take place after the election, during the resolution of election-related disputes or in the process of result aggregation.

For empirical leverage, the design of this study is limited to irregularities that can occur on Election Day in and around polling stations. So what I want to concentrate on in this analysis are attempts to unduly influence the outcome of the election in and around polling stations. Election-day fraud ranges from voter intimidation to stuffing the ballot box, from denying particular voters or groups the right to vote to manipulating the counting of the votes, etc. All these forms of fraudulent behaviour have the same goal: increasing the share of votes for the party/candidate committing the fraud.

It is exactly this kind of fraud that electoral observers are keen to detect and deter. The behaviour of internal political actors may be influenced by the physical presence of international election observers inside and around polling stations. What I'd like to test is whether the presence of observers reduces election-day fraud: If international election observation reduces election-day fraud, then the candidate or party sponsoring fraud should get a lower average share of the votes in the polling stations where observers were present than in polling station where they were not present. If the presence of international election observers has no effect on election-day fraud, then the performance of the candidate or party sponsoring fraud should be almost identical in observed and unobserved polling stations. Therefore, the measurable effect of the presence of observers on election-day fraud must be the lower share of the votes for the candidate or party sponsoring fraud. Actually, that candidate or party should perform worse on average in the observed polling stations.

The scope of the scientific literature on international observation issues is quite narrow. They are case studies (among them, Anglin 1995 and 1998; Bjornlund, Bratton, and Gibson 1992, Laakso 2002), or research about election fraud (Alvarez, Hall, and Hyde 2008; Myagkov, Ordeshook, and Shakin 2009; Lehoucq 2003; Schedler 2002, etc.), on how to define and operationalize the concept of "free and fair elections" (Elklit and Reynolds 2005;

²⁾ Andreas Schedler, "The Menu of Manipulation", *Journal of Democracy*, 13, 2, 2002, pp. 36–50. R. Michael Alvarez, Thad Hall, and Susan D. Hyde, Eds., *Election Fraud: Detecting and Deterring Electoral Manipulation*, Washington, DC: Brookings Institution Press, 2008. M. Myagkov, P. C. Ordeshook, and D. Shakin, *The Forensics of Election Fraud: Russia and Ukraine*. Cambridge, UK: Cambridge University Press, 2009. Fabrice Lehoucq, "Electoral Fraud: Causes, Types, and Consequences", *Annual Review of Political Science*, 2003, pp. 233–256. Fabrice E. Lehoucq, Ivan Molina, *Stuffing the Ballot Box*, Cambridge, Cambridge University Press, 2002.

Elklit and Svensson 1997; etc.) and international standards regarding elections and election observation (Goodwin-Gill 2006, European Commission and NEEDS 2007; etc.). To the best of my knowledge, the only attempt to assess the effectiveness of observation in deterring election-day fraud empirically is Susan Hyde's work (2007 and 2010). Following her research, I will try to replicate her natural experiment (with some adjustments) on a new case to see if the results remain the same, i.e. in support of the observation enterprise.

12.3 Polling station by polling station

The only strategy to assess the effectiveness of international observation missions in deterring election-day fraud is through a micro-level analysis. This is because any study comparing two or more countries would be stained by endogeneity problems. Therefore, in order to assess the causal effect of international observation missions we need to analyse a quasi-experiment in which observers are assigned to polling stations in a way that approximates randomization. This quasi or “natural” experiment³⁾ allows us to check if international election observation has some effects on the behaviour of domestic political actors. By comparing election results of polling stations visited by observers with the results of those not visited, we can see if the presence of observers caused a reduction in election-day fraud. This way we can evaluate the “observer effect” at the sub-national level. In other words, if international election observation reduces election-day fraud directly, the party/candidate who is cheating gets fewer votes in polling stations visited by observers than in those not visited, all else being equal.

The experimental nature of this research proposal lies in the random assignment of observers to polling stations. I will not discuss at length to what extent this research design can be considered experimental⁴⁾, but I invite interested readers to see Hyde (2007, pp. 45–50). It suffices to point out that, although professional observer organizations such as the OSCE/ODIHR do not assign observers using random number tables or similar methods, the resulting distribution of observers to polling stations is highly unlikely to be

³⁾ In natural experiments, the researcher does not directly assign the treatment to randomly selected cases, but s/he observes cases where the independent variable is assigned “as if” it were random. Here, the burden of the proof rests on the researcher: s/he must demonstrate that the treatment can be regarded as randomly assigned.

⁴⁾ Actually, I checked, in the case studied here if the treatment can be considered near random. What is fundamental is that observer distribution does not follow a clear pattern that would predict voting distribution. Much of regional difference in observation coverage was due to voter density: there is, in fact, a relative balance in voters per observed polling station within each control group. For example, in round one, observers visited 1,834 “big” and 396 “small” polling stations. As big polling stations have more voters, the more intensive observation coverage was due to voter density, and the voters per observed polling station ratio was quite similar across control groups in all three rounds.

systematically different from a pure randomization. In fact, the observation methodology guarantees that there is no geographical or other kind of bias, such as visiting “interesting” or “convenient” polling stations, in the distribution of observers to polling stations. And, more importantly, the choice of polling stations to visit is not driven by information about polling-stations attributes concerning voting patterns.

Otherwise the assignment of the treatment could not be considered near random. Each short-term team is given an area of deployment to carry out its work. Inside this area, observers are free to visit the number of polling stations they deem appropriate. They can stay in a single polling station for as long as they deem necessary for a considered judgment, and they can return to any polling station if necessary. Moreover, it is standard practice for highly regarded international observation missions not to make public which polling stations they will observe on Election Day. This restricts the possibility of openly cheating in polling stations where international observers are not expected, and makes it difficult to anticipate their arrival.

12.4 Ukraine and its 2004 presidential election

To which case will this analysis be applied? The choice of the case is an important part of the research. Unfortunately, due to the scarcity of data, not all elections observed by the European Union or the OSCE/ODIHR are suitable to the application of this design. They must have at least four characteristics: first, there must be a candidate or a party trying to cheat; second, there must be election results accessible at the polling station level; third, international observers must have been assigned in a way that approximates random assignment; and fourth, a list of polling stations visited by observers must be available⁵⁾. The Ukrainian 2004 presidential election, which was observed by the OSCE/ODIHR, is an excellent case for testing the hypothesis.

I took into account two further characteristics that made Ukrainian 2004 presidential elections a good case to analyse. First of all, it was a two-round election, which makes it

⁵⁾ I really thank the OSCE/ODIHR for giving me the possibility of running this analysis, even though it was not possible for them to give the list of observed polling stations directly to me. Actually, due to the sensitivity of the data, Professor Hans Schmeets, an OSCE/ODIHR statistician, built the dataset and run the statistical analysis on STATA following the design of this research.

possible to test also for “lasting” effects (see below). Moreover, the second round was repeated because the Supreme Court of Ukraine declared the second round invalid due to the widespread election irregularities during the runoff. This allowed a further analysis. Second, the presence of observers was massive: during the first round, OSCE/ODIHR election observers submitted 2,578 reports; during the second round, there were 2,489 reports. During the repeated second round, observers submitted 5,920 report forms. This made it the largest mission in the OSCE/ODIHR history. For the 2004 presidential elections the national territory was divided into 225 Territorial Election Districts (TEDs), which administered the election locally through the formation of more than 33 thousands polling stations: 33,101 in the first round; 33,077 in the second; and 33,059 in the repeated second⁶⁾. OSCE/ODIHR observers visited 2,203 polling stations during the first round, 1,998 during the second, and 4,856 during the repeated second round⁷⁾.

The incumbents at the time of the 2004 presidential elections were President Leonid Kuchma and Prime Minister Viktor Yanukovych. President Kuchma had already served two terms in office so he could no longer run. The incumbent candidate, supported by the President and by the Russian Federation was Prime Minister Viktor Yanukovych, who stood as the candidate of the Party of Regions and promoted closer ties with Russia. Yanukovych ran against Viktor Yushchenko, leader of the Our Ukraine faction in the Ukrainian parliament and former Prime Minister, who stood as a “self-nominated” independent candidate. He called for Ukraine to turn its attention westward and eventually join the European Union. Before the elections, on 2 July 2004 Viktor Yushchenko and Yulia Tymoshenko (of the Yulia Tymoshenko Bloc) formed the People’s Power, an electoral coalition to win the 2004 presidential elections. Viktor Yushchenko promised to nominate Yulia Tymoshenko as Prime Minister if he were to win the October 2004 presidential election.

While 24 candidates contested the election, pre-election polls clearly indicated that only Viktor Yanukovych and Viktor Yushchenko enjoyed extensive popular support. Two other candidates led parties that passed the 4% representation threshold in the 2002 parliamentary elections: Petro Symonenko (Communist Party) and Oleksandr Moroz (Socialist Party). The election was held in a tense atmosphere. Yanukovych and

⁶⁾ Polling stations part of the 226th TED (i.e. polling stations outside Ukraine) are not included in this analysis. In fact, they did not have an equal chance of being visited (no observers were sent there); moreover, because very few votes were cast in these polling stations (0.22 percent of the total votes cast in the first round, 0.31 percent in the second round and 0.35 percent in the repeated second round), they are quite negligible. Furthermore, voter turnout was quite low: 23.7 in the first, 30.3 in the second and 29.6 percent, in the repeated second round (versus 74.5, 80.4 and 77.2 percent inside Ukraine). However, I did perform the analysis including these polling stations as well and the results did not change substantially.

⁷⁾ The number of reports does not exactly match the number of polling stations visited by observers: in fact, observers can return to a polling station on the same election day if necessary. The OSCE/ODIHR Final Report provides more observed polling stations (pp. 25, 27, and 36) than the figures presented here. This is due to polling stations observed more than once by the same team of observers or by different teams during the same election day. The OSCE/ODIHR considers each as a single observation and counts them as such. For the purpose of this study, however, a polling station is either visited or not visited on the same election day, regardless of the number of visits.

Kuchma used their control of the government and state apparatus to intimidate Yushchenko and his supporters. Yushchenko was even poisoned with dioxin under mysterious circumstances in September 2004. However, he survived and continued with the election campaign, but the poisoning undermined his health and his disfigured face had altered his appearance dramatically.

The first round was held on 31 October 2004. The two main candidates achieved very similar results: Yanukovych got 39.27 percent of the votes and Yushchenko 39.91 percent. There were many complaints about voting irregularities in favour of Yanukovych. However, since neither Yanukovych nor Yushchenko was able to reach 50 percent of the votes, challenging the first-round results would not have prevented the run-off⁸⁾. So the complaints were not actively pursued and both candidates concentrated on the upcoming second round, scheduled for 21 November 2004.

The results of the second round saw Yanukovych winning the election with 49.47 percent of the votes, whereas Yushchenko fell short with the 46.61 percent. Protests began as soon as second-round election results were released, as the official count differed markedly from the exit poll results. These showed that Yushchenko was the winning candidate with an 11% advantage. While Yanukovych's supporters justified this disparity by claiming that it was due to Yushchenko's connections to the Ukrainian media, Yushchenko's team presented a great deal of evidence of election fraud in favour of Yanukovych, witnessed by many local and foreign observers.

Massive peaceful protests began on 22 November in a number of cities across Ukraine. This became known as "the Orange Revolution". On 24 November 2004, the Central Election Commission (CEC), which was itself accused of tampering with the electoral results, officially declared Yanukovych the winner of the elections. This meant the end of negotiations between Yushchenko and the incumbent President Leonid Kuchma intended to peacefully resolve the situation. The day after, Yushchenko asked his supporters to begin a series of mass protests, general strikes and sit-ins with the aim to force Yanukovych to concede defeat.

The political deadlock was finally broken, on 3 December 2004 by the Supreme Court, which decided that it was impossible to establish the results of the presidential elections with certainty because of the scale of the electoral fraud. Therefore it ordered a revote of the run-off election to be held on 26 December 2004. The 26 December re-vote attracted conspicuous international attention and was held under intense scrutiny of local and international observers. The preliminary results announced by the Central Election

⁸⁾ According to the Ukrainian law, a run-off vote was to be held since no candidate obtained more than 50 percent of the ballots cast.

Commission gave Yushchenko +5% and Yanukovych –5% in respect to the November election. Yanukovych attempted to legally complain before the Supreme Court of Ukraine and in the Central Election Commission, but all complaints were dismissed as without merit. The results of the run-off were officially made public on 10 January 2005 by the Central Election Commission. It declared Yushchenko the winner of the presidential election with 52 percent of the votes.

12.5 Testing the “Observer effect” through election results

In order to examine if the presence of international observers reduces election-day fraud and, if so, to what extent, we must perform a difference of means test (t-test). This test compares two groups of polling stations (observed vs. unobserved polling stations). Then it tests the hypothesis that the means of the two groups are the same. If observers have a measurable deterrent effect on election-day fraud, reducing fraud at the polling stations they visit, then, all else being equal, their presence should decrease the share of the votes for the fraud-sponsoring candidate or party, i.e. they should perform worse in polling stations that were visited.

If we had been facing an internationally observed two-round presidential election, we would have had to consider two rounds of treatment (polling stations observed) and a separate voting distribution for each round. We must bear in mind that observers, choosing polling stations near-randomly, can either visit a polling station only during the first round, only during the second round or during both rounds. This creates a fourfold sample of polling-station-level election results: one group of polling stations is never observed, another is observed only during the first round, another only during the second, and another during both rounds.

Therefore, in cases of two-round elections, it is also possible to test if a first-round observation has had a lasting effect on the second round. The presence of international election observers, in fact, can have “immediate” or “lasting” effects. The first term suggests that observers are able to deter fraud, but only during the election they are observing (in this case, the first round). The second term suggests that the observers have a lasting effect on the actors’ behaviour in the second-round. To test if there are immediate effects we need to compare the share of the votes that the fraud-sponsoring candidate or party

got in the first round in unobserved and observed polling stations (not in the second round because there could be lasting effects at work). Instead, to test if the presence of observers in the first round generates lasting effects in the second round we must compare the second round vote share between the group of polling stations observed only in the first round and the group of never observed polling stations.

Our analysis is carried out on the vote share for the fraud-sponsoring candidate. In the case of the Ukrainian presidential election of 2004, this share is drawn from three different election results: first round (R₁), second round (R₂), and repeated second round (R₃). Because of these three rounds, the natural experimental design entails a separate study of the vote share for each round. However, the “treatment” varies with each dependent variable (vote share): in fact, international observers went to different polling stations in different rounds but there was some overlap between rounds.

Specifically, the statistical population of the 2004 presidential election polling-station-level results can be divided into a number of experimental groups, according to the round considered and to the “treatment” of international observation during the course of the Election Day:

1. considering the round-one vote share, the population can be divided into two experimental groups: one group of polling stations was observed (“observed in R₁”), and one was not (“not observed in R₁”);
2. considering the round-two vote share, the population can be divided into four experimental groups: one group of polling stations was observed only in the first round (“observed only in R₁”), one was observed only in the second round (“observed only in R₂”), one was observed in the first and in the second round (“observed in R₁R₂”), and one was never observed (“never observed”);
3. considering the repeated second round vote share, the population can be divided into eight experimental groups: one group of polling stations was observed only in the first round (“observed only in R₁”), one was observed only in the second round (“observed only in R₂”), one was observed only in the repeated second round (“observed only in R₃”), one was observed in the first and in the second round (“observed in R₁R₂”), one was observed in the first and in the repeated second round (“observed in R₁R₃”), one was observed in the second and in the repeated second round (“observed in R₂R₃”), one group was observed in all three rounds (“observed in R₁R₂R₃”) and one group was never observed (“never observed”)⁹⁾.

⁹⁾ Warning: depending on which vote share is used (R₁, R₂ or R₃), the names of the comparison groups, while remaining the same, change in content. For example, “never observed” using R₂ vote share means polling stations not observed in R₁, not observed in R₂, and not observed in R₁R₂, while “never observed” using R₃ vote share means polling stations not observed in R₁, not observed in R₂, not observed in R₁R₂, not observed in R₂R₃, not observed in R₁R₃, and not observed in R₁R₂R₃.

Through a series of difference of means tests I investigated whether international observers reduce election-day fraud and if so to what extent. Actually, I performed 19 tests, each of them in 7 sub-groups (see below), for a total of 133 tests. However, to further corroborate results, each test was performed using both the vote share of the fraud sponsoring candidate, Yanukovich, and of the main opposition candidate, Yushchenko. So this resulted in a total of 266 tests. For reasons of space, I will not show all of them, but only the ones that are easiest to interpret. The remaining tests, although meaningful, significant and still corroborating the main hypothesis, will be left for future publication.

12.6 All else being equal: what does it mean?

The results of the analysis can be biased if we do not take a number of controls into account. Following Hyde (2007), I controlled for three variables. The first is a measure of the urban-rural divide. If a candidate (or a party) performs very well in urban areas and the sample of visited polling stations includes a disproportionate number of rural polling stations, then the candidate/party's disproportionate support in urban areas will bias the results. To control for this source of bias, we can divide polling stations into urban vs. rural and perform the means test inside each group to see if the relation still holds¹⁰⁾.

The second control is the size of the polling station. This is highly correlated to the difficulty of reaching it. The smaller the polling station is in terms of registered voters, the more difficult it is to reach for observers (and voters). If observers have systematic difficulty in getting to small polling stations, the mean difference between observed and unobserved polling stations can be the result of systematic dissimilarities between easy and hard to reach polling stations. The results of the tests would be biased if voters in small inaccessible polling stations systematically support a particular party or candidate. The effect of the observers' presence must be robust as to the inclusion of measures of polling station size¹¹⁾.

¹⁰⁾ Polling stations located in cities with more than 50,000 inhabitants (according to the 2001 Ukrainian census) are considered urban; all the others are considered non-urban.

¹¹⁾ Polling stations were divided in two groups: small polling stations where the number of registered voters was below the mean, and big polling stations where the number of registered voters was above the mean.

The third control variable is in line with the first: the rationale is the same, but instead of the urban-rural divide it is assumed that a candidate may have a particularly strong electoral support in certain areas (maybe in his/her birth place, or among people of the same ethnicity, religion, etc.). Therefore, if a high proportion of unobserved polling stations is located in those areas, the results of the mean difference can be driven by this bias. This problem is solved through the same mechanic as the urban-rural divide. In the Ukrainian case, 77.8 percent of inhabitants are ethnic Ukrainians, but there is a sizable Russian minority (17.3%). Since Yanukovich's campaign platform included the proposal of making Russian the second official language in Ukraine, in order to guarantee the support of the sizable Russian minorities in Eastern and Southern regions, he got great support in those regions. Therefore, polling stations were divided into two groups according to the presence of sizable Russian minorities: regions with more Russian native-speakers than the national mean (17.3%), according to the 2001 Ukrainian census¹²⁾, and regions with up to 17.3% of Russian minority¹³⁾.

The first round

During the first round, the two main candidates, Yanukovich and Yushchenko, gained 39.42 percent and 39.71 percent of the national vote¹⁴⁾ respectively. While their national percentages were very similar, their voting distribution was geographically very different. Yushchenko had strong support in the North-West, while Yanukovich dominated in the South-East. The first round is the easiest to analyse. Actually, polling stations in round one can only be observed or not, making it impossible to check for lasting effects, therefore limiting the investigation to immediate effects. The first test performed, therefore, compares Yanukovich's first round share of the votes¹⁵⁾ between observed and unobserved polling stations (observed vs. unobserved in R1) to check if observers have an immediate effect. If the presence of observers reduces election-day fraud, then the percentage of votes in favour of the cheating candidate should be significantly lower.

Difference of means tests that compared treatment and control groups were performed using round one vote share are shown in table 12.6.1 (test 1)¹⁶⁾. However, before going to the analysis of the results, let me explain how these tables work because they will be the main

¹²⁾ People who declare Russian as their native-tongue, <http://www.ukrcensus.gov.ua/>

¹³⁾ No other "ethnic" issue played a role in Ukrainian politics. Not even religious issues. The dominant religion is Eastern Orthodox Christianity among the Ukrainians and the Russian minorities.

¹⁴⁾ The small differences with the data presented by the Ukrainian Central Election Commission are due to the exclusion, for the purpose of this analysis, of TED 226, the foreign election district.

¹⁵⁾ For reasons of space, I will not show the results of tests using Yushchenko's vote share. They mirror Yanukovich's (what Yanukovich gained, Yushchenko lost) and therefore they represent a further confirmation of the fraud-reducing effect of observers, thus supporting our conclusions.

¹⁶⁾ Data used in the tables are taken from the website of the Central Election Commission of Ukraine (<http://www.cvk.gov.ua/>); data were downloaded at disaggregated level (polling station by polling station) and were then re-aggregated to construct graphs and tables.

instruments used to present the results. They report the results of unpaired two-sample t-tests with unequal variance.

Tests are numbered from 1 to 19 (I will show only some of them for reasons of space; other tests results are available upon request). Column one (“Type of polling stations”) refers to the test type: the same test can be performed in 4 different ways: using all polling stations, controlling for polling station size, controlling for polling stations in regions with sizeable Russian minorities, and controlling for the urban/rural divide. Therefore, this column specifies to which groups of polling stations the test is applied: to all polling stations (“Total”), to polling stations with more registered voters than the mean (“Big”), to polling stations with fewer registered voters than the mean (“Small”), to polling stations in regions without significant Russian minorities (“Without Russians minorities”), to polling station in region with significant Russian minorities (“With Russians minorities”), to polling stations located in non-urban areas (“Non-urban”), or to polling stations located in urban areas (“Urban”).

The next columns (“Average vote share among polling stations”) indicate which sub-groups of polling stations will be compared by the t-test and the respective mean percentage vote shares for the candidate concerned. Column four present the mean difference between the percentages of the two sub-groups listed in the previous columns (in absolute terms) and, in parenthesis, the value of this mean difference compared to the candidate’s vote share in unobserved polling stations (thus, in relative terms)¹⁷⁾; based on the value of the Student’s t-statistic, the level of significance is shown (column “Sign.”) and finally, in the last column, the number of observations is reported.

Starting with table 12.6.1, we can see the effect of election observation on the share of the votes in the first round for Yanukovych, the fraud-sponsoring candidate. The first comparison involves the average share of the votes Yanukovych got in round one in unobserved polling stations versus the average share he got in observed polling stations. The results presented in table 1 clearly show that the presence of international observers reduced his share by an average of more than 4.6 percent (representing the 11.73% of Yanukovych’s share of the votes). This result is statistically significant at the 1% confidence level¹⁸⁾, allowing a rejection of the (null) hypothesis that there is no difference between observed and unobserved polling stations.

Let’s analyze these results in more detail. Test 1 compares vote shares in round one among

¹⁷⁾ Let’s explain the utility of this further computation with an example. Suppose that Yanukovych gets 20% of the votes in unobserved polling stations and 10% in observed ones. The difference between the means is 10%. However, this 10% difference represents the 50% of Yanukovych’s vote share in unobserved polling stations [in fact: $(10 \cdot 100) / 20 = 50$]. Suppose that in another case, Yanukovych gets the 40% of the votes in unobserved polling stations and 30% in observed ones. The difference is still 10%, but, this time, it represents the 25% [$(10 \cdot 100) / 40 = 25$] of Yanukovych’s vote share in unobserved polling stations.

¹⁸⁾ The confidence level generally adopted in this research, as in most studies, is 5%.

polling stations that were/were not observed in the first round. This test reveals the immediate effect of observation, that is, the effect of observation on the election results. So, by comparing the first round performance of the fraud-sponsoring candidate in the observed and unobserved polling stations, we can check if there is any statistically significant difference in performance. In this case there was a difference and it was quite strong (4.66% in absolute terms, 11.73% if compared to Yanukovych's performance in unobserved polling stations). This is statistically significant at the 1% confidence level since Yanukovych did about 4.7 percent better in polling stations without international observers (increasing his vote share by 11.73%), suggesting that the presence of international observers in the first round reduced election-day fraud by more than 4.6 percent all else being equal (and Yanukovych's share of the votes by more than 11.7%).

12.6.1 Difference of means tests using Yanukovych's vote share*

Type of polling station	Average vote share among polling stations:		Difference	Sign	N (polling stations)	
	%	<i>n</i>				
1 Yanukovych's first round vote share						
Total	Not observed in R1 39.74	Observed in R1 35.08	4.66	(11.73)	**	33,101
Big	42.20	35.48	6.72	(15.92)	**	13,893
Small	34.04	30.68	3.35	(9.84)	*	19,208
Without russian minorities	24.15	23.26	0.89	(3.68)		20,559
With russian minorities	58.50	49.09	12.41	(21.21)	**	12,542
Non-urban	35.20	30.82	4.38	(12.44)	**	17,424
Urban	43.13	37.08	6.06	(14.05)	**	15,677
2 Yanukovych's second round vote share						
Total	Never observed 50.23	Observed only in R2 47.52	2.71	(5.39)	**	30,874
Big	54.26	47.75	6.50	(11.98)	**	12,224
Small	40.97	45.23	-4.26	(-10.40)		18,650
Without Russian minorities	29.77	32.37	-2.60	(-8.73)		19,425
With Russian minorities	73.09	60.64	12.44	(17.02)	**	11,449
Non-urban	43.72	42.11	1.61	(3.68)	**	16,625
Urban	55.09	49.75	5.34	(9.69)	**	14,249
3 Yanukovych's second round vote share						
Total	Never observed 50.23	Observed only in R1 46.09	4.14	(8.24)		31,079
Big	54.26	47.01	7.26	(13.38)	**	12,351
Small	40.97	37.56	3.40	(8.30)	*	18,728
Without Russian minorities	29.77	28.55	1.21	(4.06)		19,535
With Russian minorities	73.08	61.29	11.80	(16.15)	**	11,544
Non-urban	43.72	38.79	4.93	(11.28)	**	16,732
Urban	55.09	49.48	5.61	(0.18)	**	14,347

12.6.1 Difference of means tests using Yanukovych's vote share*

Type of polling station	Average vote share among polling stations:		Difference		Sign	N (polling stations)
	%					<i>n</i>
4 Yanukovych's second round vote share						
Total	50.23	41.20	9.03	(17.98)	**	29,842
Big	54.26	41.19	13.07	(24.09)	**	11,542
Small	40.97	41.59	-0.62	(-1.51)		18,318
Without Russian minorities	29.77	32.98	-3.21	(-10.78)		18,866
With Russian minorities	73.09	48.39	24.69	(33.78)	**	10,976
Non-urban	43.72	37.92	5.81	(13.29)		16,261
Urban	55.09	42.68	12.41	(22.53)	**	13,581
7 Yanukovych's second round vote share						
	Never observed	Observed only in R1, or only in R2, or only in R1R2				
Total	50.23	45.93	4.30	(8.56)	**	33,077
Big	54.26	46.39	7.87	(14.50)	**	13,917
Small	40.97	41.15	-1.85	(-4.51)		19,160
Without Russian minorities	29.77	30.74	-0.97	(-3.26)		20,558
With Russian minorities	73.09	59.11	13.98	(19.13)	**	12,519
Non-urban	43.72	39.92	3.80	(8.69)	*	17,424
Urban	55.09	42.68	6.51	(11.82)	**	15,653
9 Yanukovych's second round vote share						
	Never observed	Observed only in R3				
Total	44.80	44.79	0.01	(0.02)		29,411
Big	51.09	45.89	5.19	(10.16)	**	11,124
Small	32.42	36.89	-4.46	(-13.76)	**	18,287
Without Russian minorities	23.07	24.00	-0.93	(-4.03)		18,671
With Russian minorities	72.88	61.09	11.79	(16.18)	**	10,740
Non-urban	36.31	38.02	-1.71	(-4.71)		16,122
Urban	51.82	47.82	4.00	(7.72)	**	13,289
10 Yanukovych's repeated second round vote share						
	Never observed	Observed only in R1, or only in R2, or in R1R2				
Total	44.80	43.41	1.39	(3.10)		28,203
Big	51.90	44.85	6.24	(12.02)	**	10,403
Small	32.42	31.33	1.09	(3.36)		17,800
Without Russian minorities	23.07	24.82	-1.75	(-7.58)		17,237
With Russian minorities	72.88	62.62	10.24	(14.05)	**	9,966
Non-urban	36.31	33.13	3.18	(8.76)	*	15,614
Urban	51.82	48.14	3.67	(7.08)	**	12,589

12.6.1 Difference of means tests using Yanukovych's vote share*

Type of polling station	Average vote share among polling stations:		Difference	Sign	N (polling stations)
	%				<i>n</i>
14 Yanukovych's repeated second round vote share					
	Never observed	Observed in R1R2R3			
Total	44.80	32.12	12.68 (28.30)	**	26,057
Big	51.09	31.78	19.30 (37.78)	**	8,928
Small	32.42	43.37	-10.95 (-33.77)	**	17,129
Without Russian minorities	23.07	26.10	-3.02 (-13.09)	*	17,012
With Russian minorities	72.88	37.16	35.72 (49.01)	**	9,045
Non-urban	36.31	26.96	9.34 (25.72)	*	14,782
Urban	51.82	34.46	17.35 (33.48)	**	11,275
19 Yanukovych's repeated second round vote share					
	Never observed	Observed only in R1, or only in R2, or only in R3, or in R1R2, or in R2R3, or in R1R3, or in R1R2R3			
Total	44.80	43.01	1.79 (3.99)	**	33,059
Big	51.09	43.88	7.21 (14.11)	**	13,902
Small	32.42	35.37	-2.94 (-9.07)	**	19,157
Without Russian minorities	23.07	24.52	-1.45 (-6.28)	*	20,555
With Russian minorities	72.88	58.48	14.40 (19.76)	**	12,504
Non-urban	36.31	35.67	0.64 (1.76)	*	17,423
Urban	51.82	46.26	5.56 (10.73)	**	15,636

Source: OSCE/ODIHR; Central Election Commission of Ukraine.

* 0,01 < p < 0,05; ** p < 0,01 (two-sided)

However, the observed difference can be driven by bias if the unobserved polling stations “naturally” supported the fraud-sponsoring candidate. If so, the result of the t-test is unreliable. Therefore in six subsequent tests, I controlled if this difference still holds in big and small polling stations, in polling stations located in regions with and without substantial Russian minorities, and in urban and non-urban settings. As table 12.6.1 shows, the hypothesized difference still holds in all of these sub-groups and the mean difference is statistically significant, apart from the polling stations located in regions without sizable Russian minorities.

This can easily be explained: those were the regions in the North and in the West where the opposition candidate, Yushchenko, was really strong. In those regions voters and polling station officials did not support Yanukovych, reducing his possibility of manipulating the election results through election-day fraud. This is also confirmed by

the findings of OSCE/ODIHR observers, which claimed: “some 6% of observers assessed the voting process as bad (5%) or very bad (1%). There was a regional variation in the assessment. Polling was considered better in western regions (4% negative assessment) than in eastern regions (10% negative assessment)”¹⁹⁾. The fraud-reduction power of observation in polling stations located in Yanukovich’s strongholds is impressive. The difference between unobserved and observed polling stations exceeds the remarkable threshold of 12.4 percent (21.21% if compared to Yanukovich’s vote share in unobserved polling stations) and it is significant at the 1 percent confidence level.

We can see that the mean difference, while always statistically significant, is greater in big, urban polling stations than in small, non-urban ones. As mentioned before, the result can be biased if unobserved polling stations “naturally” supported the fraud-sponsoring candidate. But this is not the case. On the contrary, if we compare Yanukovich’s performance in unobserved small (34.04%) and big (42.20%) polling stations and in non-urban (35.20%) and urban (43.13%) ones, we can easily see that Yanukovich performed better in big and urban polling stations where more polling stations were observed. This further supports our initial hypothesis and dismisses any possibility of bias in the results.

Actually, if the difference is bigger in polling stations where the cheating candidate is stronger, this means that observers are more useful where the cheating candidate “naturally” gets more votes. In this regard, a further consideration can help. If the cheating candidate gets 34.04 percent in unobserved small polling stations, and his share is reduced by 3.35 percent, this means observation reduces his share of the vote by roughly 10 percent. Yanukovich got the 42.20 percent in the big unobserved polling stations. The mean difference between observed and unobserved polling stations was 6.72 percent. This means a reduction of about 16 percent. The same is true for urban and non-urban polling stations. In the first case Yanukovich lost about 14 percent of his share, and about 12.5 percent in the second.

The second round

During the second round, Yanukovich got 49.75 percent of the national vote, while Yushchenko got 46.37 percent. As was the case in the first round, the distribution of votes was very different geographically. Yushchenko continued to have strong support in the North-West of the country, while Yanukovich dominated in the South-East. Again, the OSCE/ODIHR assessment of round two was straightforward: “Observers’ overall evaluation of the conduct of the poll was slightly worse than on 31 October, with 7%

¹⁹⁾ OSCE/ODIHR Final Report, p. 25.

assessing it as bad or very bad. However, there was a regional variation. Polling in western and northern regions was assessed negatively in 5% of reports and 11% and 9% respectively in central and eastern regions”.

The second round allows us to test not only if there are immediate effects, but also if there are lasting effects of first round observations on the second round vote. Here, polling stations can belong to one of four groups: never observed, observed only in round one, observed only in round two, or observed in both rounds. This allows several tests: first, we can check for immediate effects. So we can compare the share of second-round votes between polling stations that were neither observed in round one nor in round two, and polling stations observed only in round two (test 2, never observed vs. observed only in R2). Second, we can test for the presence of lasting effects of round-one observation. So we can compare the share of second-round votes between polling stations that were never observed, and polling stations observed only in round one (test 3, never observed vs. observed only in R1). Third, we can measure the “total effect” of observation. So we can compare the share of second-round votes between unobserved polling stations and polling stations observed in both rounds (both the lasting effect of round one observation and the immediate effect of round two observation) (test 4, never observed vs. observed in R1R2). Fourth, we can check for a “general” effect of observation that does not distinguish between immediate and lasting effects. So we can compare the share of votes in unobserved polling stations with those in polling stations observed in one or both rounds (test 7, never observed vs. observed only in R1, only in R2, or in R1R2).

Starting with test 2, we measure the immediate effect of round two observation. We compare the second round share of votes between polling stations observed in the second round (but not in the first), and those of unobserved polling stations. We expect the performance of the fraud-sponsoring candidate to be worse in observed polling stations. Without controlling for size, Russian minorities, or the urban/rural divide, we can confirm that there was an immediate effect of round two observation on round two Yanukovich’s share of the votes. Yanukovich’s performance, in fact, appreciably decreased by 2.71% (about 5.4% of his vote share in unobserved polling stations). If, however, we perform the same test controlling for polling stations size, Russian minorities, and the urban/rural divide, we become aware that the fraud-reduction effect is not significant in small, “non-Russian”, and non-urban polling stations. Even worse, performing the test across small and non-Russian polling stations gives results in the opposite direction. This could suggest a fraud-increasing effect of observation. However, those results are clearly not significant.

I already explained why the mean difference test is not significant in polling stations located in areas without considerable Russian minorities. The opposition candidate was strongly supported and fraud, if any, was less widespread. But why are results not significant in small and non-urban polling stations? Is this a real challenge for the overall

results? Remember why I decided to control for polling station size and the urban/rural divide. If most unobserved polling stations were small or non-urban and if Yanukovych “naturally” performed better in such polling stations, the result of the general mean difference test can be driven by this bias.

However, looking at election results, this is not the case. Yanukovych was stronger in big rather than small polling stations (in unobserved polling stations: 54.26% > 40.97%), and in urban rather than in non-urban ones (55.09% > 43.72%). Therefore, the fact that those results are not significant does not refute the overall fraud-reducing effect of election observation. Maybe these results (not significant and sometimes in the opposite direction) are driven simply by the fact that in small, non-urban and non-Russian polling stations fraud was less widespread and therefore difficult to deter.

Test 3 establishes if the treatment of first-round observation has a lasting fraud-deterrent effect in the second round of the election. This is done by comparing the share of votes in round two between two groups that were not observed in the second round: one group was observed only in the first round, while the other group was not observed. If observation has a lasting deterrent effect on electoral fraud, then the cheating candidate should get a lower share of the vote in the second round in polling stations that were observed in the first round than in polling stations that were not observed. Here, all differences go in the expected direction for both candidates (positive for Yanukovych and negative for Yushchenko) and are statistically significant, apart from small polling stations and polling stations located in areas where the presence of Russian minorities is below the national mean.

Results reported in test 3 show that the lasting effect of observation implies a reduction of Yanukovych’s share of the vote by 4.14 percent (that is indeed the 8.24% of Yanukovych second round share of the vote in unobserved polling stations). The effect is stronger in big and in Russian polling stations (where it remains significant) and in urban polling stations. Note the impressive difference in Russian polling stations: 11.8 percent. Again, results found in small polling stations and in regions without strong Russian minorities are not statistically significant, but they do not endanger the validity of the general result since the cheating candidate got a lower share of the vote there.

Test 4 provides additional empirical support for the finding that observers had a strong deterrent effect on election-day fraud. It compares the second-round vote share between unobserved polling stations and polling stations observed in round one and two. In fact, it measures the “total effect” of observation, i.e. the immediate effect of the round two observation added to the lasting effect of round one observation. In this case, Yanukovych received about 9 percent more votes in polling stations that were never observed than in the ones observed in both rounds (which is about 18% of his own vote share in unobserved polling stations). Those results are statistically significant at the 1% confidence level.

Controlling for polling station size, Russian minorities, and the urban/rural divide, results

appear to be not significant in small, non-Russian and non-urban polling stations. The results even have the opposite sign in the first two sub-groups. This does not represent a problem as long as Yanukovych's share of the vote is larger in big, Russian and urban polling stations.

Test 7 further supports the hypothesis that observers reduce election-day fraud. This is done by checking for a "general" effect of observation that does not distinguish between immediate and lasting effects. Using the round-two vote share, we can see if the cheating candidate received a higher vote share in polling stations that were not observed in either round, than in polling stations that were observed in one or both rounds. Since we hypothesize that observation always has some effect, we expect the cheating candidate's share of the vote in round two to be lower, if observation has taken place in either or both rounds. Test 7 shows that Yanukovych received 4.3 percent more in polling stations that were not observed in either round than the average share he got in polling stations that were observed in one or both rounds. Test 7 shows that this effect is significant at the 1% confidence level. However, also this time, the relationship is reversed in small and non-Russian polling station, although it is not significant. Again, this does not represent a problem for our results, but strengthens them. Please, note the really high fraud reduction effect of observation in polling stations located in Russian areas: about 14 percent.

The repeated second round

The repeated second round was held on 26 December, under the authority of a newly appointed Central Election Commission, which administered the election process efficiently and with significantly more transparency. Overall, observers assessed the process much more favourably than in the previous two rounds. OSCE/ODIHR observers noted the persistence of some problems, such as the presence of police and other unauthorized people, instances of failure to assure the secrecy of the vote (particularly in eastern regions), and the sporadic presence of campaign materials.

According to the OSCE/ODIHR Final Report, polling procedures were generally respected: observers reported few serious violations; "however, in 3% of polling stations (5% in eastern regions and 6% in southern regions) they received allegations that serious violations had occurred. In the east and south of Ukraine the formal complaints filed at polling stations exceeded the national average"²⁰⁾. Almost 7 percent of observers assessed the vote count as poor or very bad (11% on November 21). However, again, "a clear regional

²⁰⁾ OSCE/ODIHR Final Report, p. 36.

variation was noted with observers in southern (11%), eastern (10%) and central (10%) regions assessing the process much less favourably than in northern (2%) and western (3%) regions.

This was also the pattern in the observers' assessment of the polling environment, organisation of the count, understanding of the procedures and the accuracy of the results as reported²¹⁾. A final point before going on with the analysis of the results: in the final week of the campaign, Yanukovich repeatedly called for amendments to the election law that restricted absentee voting and voting at home, which he deemed an infringement of voter rights. According to the data released by the CEC, some 590,000 voters (1.6% of registered voters) requested a mobile vote of whom about 90% voted. However, observers noted a few cases where an unusually large number of citizens had apparently requested to vote outside the polling station, and, curiously enough, this happened in TEDs 39, 136, 143, 184, all located in the South and East. Overall, the largest concentrations of mobile voters were found in Donetsk and Luhansk, where it was reported that about 3% of registered voters requested to vote at home. It is impossible to demonstrate that it was an attempt to manipulate the vote, but it remains possible since it is easier to control the voters' choice outside "regular" polling stations. From the perspective of this analysis, the improvements in election quality may result in a non-detectable fraud-deterrence role of election observation simply because there was no, or very little fraud going on. This should not be true in Southern and Eastern regions (i.e. in regions with sizable Russian minorities), where fraud persisted. Let's see.

Starting with test 9, I compared the repeated second round vote share between polling stations never observed and polling stations observed only during the repeated second round. This measures the presence of an immediate effect of observation in a context in which election-day fraud was greatly reduced. From the results of test 9 we can hypothesize that, since the level of election irregularities dramatically decreased, the presence of observers did not in general have a deterrent effect: Yanukovich, in fact, generally had very similar results in observed and unobserved polling stations and the small difference is not at all statistically significant. However, the difference remained quite big and statistically significant at the 1% confidence level in Yanukovich strongholds (where there was still fraud): in big, Russian, and urban polling stations. In the other cases the difference goes in the opposite direction and/or does not reach statistical significance.

In order to test for the presence of lasting effects of previous rounds, we can compare never observed polling stations with polling stations observed during round one, round two, or both (test 10). If there are lasting effects, then Yanukovich's repeated second round vote share should be lower in observed polling stations. Apart from polling stations

²¹⁾ OSCE/ODIHR Final Report, pp. 36–37.

located in the North and in the West where the relationship is not significant in any case, the results go in the expected direction (see test 10). They are not significant in small and non-Russian polling stations, and since more polling stations used in this mean difference test are in those groups, this may explain why the general test turns out to be not significant. However, note the still high (lasting) fraud-reducing effect of observation in polling stations located in Yanukovych's stronghold, i.e. in the South and in the East of the Ukraine (more than 10.2%, that, if compared to his vote share in unobserved polling stations, represents more than 14%).

Test 14 compares Yanukovych's repeated second round vote share in polling stations never observed with the same vote share in polling stations observed during first, second and repeated second round; we are, therefore, testing the magnitude of the lasting effects of round one and round two observation together with the immediate effect of the repeated second round observation: we will see what the effect is of observing the same polling stations three times.

Test 14 shows that there is a difference and that it is quite strong. Notwithstanding the lower level of fraud, the deterrent effect of observation played a role. Yanukovych's vote share was reduced by about 12.7 percent (28.3% of his vote share in unobserved polling stations). This difference is significant at the 1% confidence level and it is even stronger in big, Russian, and urban polling stations, while it remains negative and not significant in small and non-Russian polling stations.

A final test, test 19, compares the repeated second round vote share between polling stations that were never observed and polling station that were observed in any round or in any combination of rounds, showing if the presence of observers in at least one occasion has a deterrent effect. According to the results shown in table 9, there is generally a positive deterrent effect of observation: Yanukovych gained about 1.8 percent less in observed polling stations. Those findings are even stronger and significant in big, Russian and urban polling stations. This adds one additional piece of information supporting the hypothesis that observers reduce election-day fraud through immediate and/or lasting effects.

12.7 Conclusions

In this chapter, I proposed an experimental research, in the wake of Susan Hyde's work (2007), which allowed us to check if election observers contribute to fraud-deterrence. This work adds an additional argument supporting international observation missions, their role in deterring election-day fraud (and not only in detecting it), and, consequently, the importance of their presence for a free and fair election process which is able to lead

to stronger democratization. We have repeatedly claimed that the fundamental quantifiable effect of election observation on election-day fraud should be a decrease of the share of the votes for the fraud-sponsoring candidate. We have seen that observers were able to reduce fraud at the polling stations they visited, since Yanukovich performed significantly worse (and Yushchenko significantly better) in the observed polling stations. The results of the tests performed above show that:

1. International observation had an immediate effect in the first and in the second round. The same is not true for the repeated second round because the level of election irregularities dramatically decreased. However, there was an immediate effect of observation, and quite strong where fraud was still present: in the South and in the East of the country.
2. Observation in the first round had lasting effects on the second round. But observation in the first and/or the second round did not have lasting effects in the repeated second round if all polling stations are considered, but there was an effect, and it remained significant, if only the polling stations located in Yanukovich's strongholds are taken into consideration.
3. Observing the same polling stations in all two or three rounds gives positive results, confirming the hypothesis that international election observers did reduce fraud.
4. Observation always played a role where fraud was widespread, that is, in regions with sizable Russian minorities.

It is plausible that this happened because the simple presence of international observers inhibited the fraudulent behaviour of election stake-holders.

12.8 Literature

Alvarez, R.M., Hall, T.E., and S.D. Hyde (Eds.). (2008). *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington DC: Brookings Institution Press.

Anglin, D.G. (1995). 'International Monitoring of the Transition to Democracy in South Africa, 1992–1994'. *African Affairs*, 9(377): 519–543.

Anglin, D.G. (1998). 'International Election Monitoring: The African Experience'. *African Affairs*, 97(389), 471–495.

Bjornlund, E., Bratton, M. and C. Gibson (1992). 'Observing Multiparty Elections in Africa: Lessons from Zambia'. *African Affairs*, 91(364): 405–431.

Bjornlund, E. (2004). *Beyond Free and Fair: Monitoring Elections and Building Democracy*. Washington DC: Woodrow Wilson Center Press.

Elklit, J. and A. Reynolds (2005). 'A Framework for the Systematic Study of Election Quality'. *Democratization*, 12(2), 147–162.

Elklit, J. and P. Svensson (1997). 'What Makes Elections Free and Fair?' *Journal of Democracy*, 8(3), 32–46.

European Commission. (2007). *Compendium of International Standards for Elections*, Second Edition, Bruxelles, European Commission. Retrieved March 29, 2011 from http://ec.europa.eu/external_relations/human_rights/election_observation/docs/compendium_en.pdf.

Goodwin-Gill, G.S. (2006). *Free and Fair Elections: International Law and Practice*. (2nd ed.). Geneva: Inter-Parliamentary Union.

Huntington, S.P. (1991). *The Third Wave. Democratization in the Late Twentieth Century*. Norman: University of Oklahoma Press.

Hyde, S.D. (2007). 'The Observer Effect in International Politics: Evidence from a Natural Experiment'. *World Politics*, 60(1), 37–63.

Hyde, S.D. (2010). 'Experimenting in Democracy Promotion: International Observers and the 2004 Presidential Elections in Indonesia'. *Perspectives on Politics*, 8(2), 511–527.

Laakso, L. (2002). 'The Politics of International Election Observation: The Case of Zimbabwe in 2000'. *Journal of Modern African Studies*, 40(3), 437–464.

Lehoucq, F.E. (2003). 'Electoral Fraud: Causes, Types, and Consequences'. *Annual Review of Political Science*, 6, 233–256.

Lehoucq, F.E. and I. Molina (2002). *Staffing the ballot box: Fraud, Electoral Reform, and Democratization in Costa Rica*. Cambridge: Cambridge University Press.

Myagkov, M., Ordeshook, P.C., and D. Shakin (2009). *The Forensics of Election Fraud: Russia and Ukraine*. Cambridge: Cambridge University Press.

OSCE/ODIHR (2005). *Ukraine Presidential Election: 31 October, 21 November and 26 December 2004*. OSCE/ODIHR Election Observation Mission Final Report, Warsaw. Retrieved March 16, 2011 from <http://www.osce.org/odihr/elections/ukraine/14674>.

Schedler, A. (2002). 'The Menu of Manipulation'. *Journal of Democracy*, 13(2), 36–50.

Short-term
observers
from the U.S.A.
and the Russian
Federation

13

Short-term observers from the U.S.A. and the Russian Federation

13 Short-term observers from the U.S.A. and the Russian Federation

Alexander Munninghoff

In the almost twenty years that I have been operative as STO or LTO on the Balkans and mostly on the territory of the former USSR, it has always struck me how terribly time-consuming and unnecessarily verbose the meetings of OSCE/ODIHR invariably turned out to become, the obvious being repeated and redefined endlessly. An observer should observe and should avoid getting lost on the thorny path of eloquence, is my opinion. I have two observations that I would like to share with you. I will be speaking from the viewpoint of the STO.

My first observation concerns the fact that our work is dominated by the Americans. Even if they do not outnumber the European STO on a mission, they somehow manage to make themselves heard above everyone else, which is not always a pleasure. Of course there are exceptions, and of course there are very well educated American STO, but my memories are imbued with statements of incredible ignorance, varying from the conviction that the south of Russia has a predominantly black population just like in the USA, to a completely blank look when confronted with the name of Alexander Pushkin.

The matrix of what such observers consider to be the exemplary democratic system, namely the American society, is being put bluntly over their area of responsibility and the country they are visiting. And you can even quite often hear thoughts expressed that stem from the Cold War era. There is suspicion and a lack of willingness to understand others, and sometimes even fear of the unknown. Prejudice, there is no other word. And I am very sorry to say that this mindset is not only found with the elder American STO, but also with the large group of young backpack STO who, in their jeans and on their Nikes, nowadays come across the big pond to exercise their self-proclaimed right to look high-hat at the election procedures in countries they consider defeated on the ideological front in the Cold War. From my own experience I can say that it is very hard, if not impossible, to work with such colleagues.

Is it not about time to ask the Americans to stay in their beautiful country when the ballot-boxes are opening up in the old continent? This so as not to create a motive for critics to accuse our OSCE organization of mingling in internal affairs – because this is what happened for instance in the Russian Federation where we are no longer welcome. Any association with the past ideological struggle, with us Europeans in the Atlantic anti-

soviet camp, should and can be avoided nowadays. We live in a time where Europe is redefining itself and has common European goals – see the Lisbon Treaty. America is *not* part of Europe and therefore American participation in OSCE/ODIHR work is obsolete and should be abolished.

My second observation concerns the Russians. It was in Kiev in 2004 when the general meeting of the OSCE/ODIHR on the eve of the Ukrainian presidential elections provided the Russian-speaking delegates with earphones and translator services for the first time. I was present there and some of you might remember that I was the one who asked the president of the meeting, a Slovene ambassador if I am not mistaken, why the internal rules of the OSCE were violated, English being the only official language of the OSCE. There came no clear answer to my question, but the Russian delegation looked at me with angry indignation as soon as my remarks had reached their ears in their mother tongue. In my opinion, this odd concession to the Russian language should be reversed. It was counter to our statutes and it has brought us nothing. On the contrary: the Russians are creating obscurity and uncertainty in the work of the OSCE/ODIHR STO. In the recent elections in Moldova, for instance, Russian Duma members openly took the side of pro-Russian candidates, and nobody could tell for sure to what organization they belonged as they roamed around the countryside in their black cars. Or remember the events during the parliamentary elections in Azerbaijan in 2005, where we had Russian STO who did not come to our final meeting to hear our OSCE preliminary statement (which was negative for the Baku-regime). Instead they preferred (read: were told) to go to their own Russian delegation meeting, which delivered a statement that was very positive for the government. On this occasion the head of the Russian delegation said about OSCE/ODIHR that we were ‘concentrated on the search of violations’, after which he accused us of being on ‘a witch hunt’.

I think that this verdict, search of violations linked to witch hunt, by a man from the Putin administration underlines the difference between the Russians and us, the Europeans, in the appraisal of the work of the OSCE/ODIHR. By the way, Putin himself gave once an astonishing insight in his way of thinking when he criticized the OSCE who ‘came already with a statement, even before the results of the election were known’, referring to our habit of having a preliminary statement ready in the afternoon of the day after the voting. This of course was totally missing the point of our work: it is not the result itself that counts, it is the way the result has been produced.

So let me conclude: the OSCE/ODIHR must become more assertive and more European and less cautious about treading on toes in Washington or Moscow. That implies that we should no longer be a playground for the former superpowers of the bipolar world. We have the proper tools and experience where European elections are concerned. Let the others learn from us and not try to impose themselves upon our endeavours to make the best of it.

14

Election observers and parliamentarians

14 Election observers and parliamentarians

Harry van Bommel

In my position as a Member of Parliament in the Netherlands my time to take part in election observation missions is limited. Up till now participation was open especially to members of the parliamentary assemblies of the OSCE and NATO. Through both assemblies I took part in the Duma elections of 2007 and the second round of the presidential elections in Ukraine in 2010.

I think it is important that parliamentarians participate in election observation missions for two reasons. First of all, parliamentarians understand the importance of free and fair elections if only because it affects their daily lives, that is, they hope it does. Secondly because it teaches politicians more about the election process abroad. I am sure that most of us think that we live in countries where the polling system is free and fair, and moreover effective and trustworthy. If so, I must disappoint the Dutch people among us, because OSCE reports on the 2006 elections in the Netherlands show that number of things went seriously wrong. Let me just highlight two things. The use of voting computers was severely criticised to the point where the use of computers has now been abandoned. Secondly, there was a widespread complaint of proxy voting. Without going into detail, this shows that even in my own country, election observation monitoring can be quite worthwhile.

The Netherlands has contributed to international election observation missions since 1992. In recent years this participation has decreased enormously. In 2006 we sent out 144 monitors, in 2007 the number was 104, in 2008 only 82, and in 2009 just 28. The foreign secretary explains the decrease by referring to the fact that the western Balkans are no longer seen as a priority for election observation. The focus has shifted to Eastern Europe and to the former Soviet Republics. There is also a cost-related argument. After all, we are Dutch and we want to go Dutch even when it comes to election observation. On average the cost of missions in Eastern Europe and the former Soviet Republics are higher, and because we finance our participation ourselves, the available budget allows us to send out fewer monitors.

The participation of Dutch election monitors in EU missions has decreased even more dramatically. In 2009 we hardly played any role anymore, sending out just 11 monitors through the EU channel. Compared to other member states we fell to the 23rd position of 27 member states. This is an absolute disgrace.

The limited participation of Dutch monitors in EU missions is a result of conditions our government had attached. Election monitoring was only accepted if our country had a special political relation or a developing relation with a country. In 2010 this point of view was abandoned. For three reasons:

1. Other EU member states have not set any conditions like the Dutch and participate on a wider scale. We feel that we cannot stay behind. We will still observe a priority list, but we will accept more countries.
2. Because of a lack of Dutch monitors, we faced a lack of long-term observers. To become a long-term observer one must have participated at least twice as a short-term observer.
3. A real Dutch argument is the fact that EU-election monitoring is financed through the European Instrument for Human Rights and Democracy. This means that the Dutch financial burden will not grow if we enhance the number of election monitors.

I am happy to note that our new government has decided to send out more election monitors. Present and former MP's will be invited to play a role in this process. The Ministry of Foreign Affairs will organise a meeting this year in which MP's will get all the information they need to decide if they wish to participate in a monitoring mission. It is clear that our government wishes to encourage and facilitate this. Although I am in opposition of the present right wing government I applaud this. Now please allow me to make some remarks about the process of election monitoring itself.

The training of short-term observers should begin at home, before the observers travel to the country where the elections are held. The participation of this training must be obligatory: no participation without training. This training should focus on the country factor. Every country has its own unique political and cultural aspects that may have an impact on Election Day. The behaviour of voters or officials must not come as a surprise, and the observers must be able to understand what is going on.

The observation report is an excellent tool for observers, but it requires practical training to be able to use it. Failing to fill it in properly can be due to a lack of training and/or intelligence. Either will damage the process. A third reason that threatens this process is a lack of diligence. My election monitoring partner in the Duma elections of 2007 rushed the observation because he wanted to visit the Gorky park in the afternoon, where Russian paintings were said to be for sale cheaply. So as you can imagine he did not want to spend

much time around the ballot boxes. This proves how important it is to have teams of at least two monitors. Needless to say that we did not visit the Gorky park that afternoon.

Irregularities will take place in the process, but there is a risk of seeing things that are not there. After all, it is no fun being a policeman if everyone does everything by the book. While observing the presidential elections in Ukraine in 2010, my team got a call from the central office that there was a complaint about the voting process in the outskirts of Odessa. There was a monastery in the vicinity and some 20 monks had voted without being registered. This was because they were registered in their hometowns and not at the address of the monastery. Of course everybody in the neighbourhood knew them and so they were allowed to vote. This is understandable but it is against the rules. In Moscow we saw unauthorized people, such as policemen, inside the polling station. Without interfering in the process we recorded these irregularities.

Finally, short-term observers should respect the important work of the local observers. Usually they belong to different parties and they stay at the polling stations much longer than the short-term observers. Often the whole day. Their experience can be of vital importance to the monitoring process. In one case local observers reported that several voters took pictures of their ballot paper. It was said that this was done to prove for which candidate they had voted. Votes can be bought this way, but it was also said that employers wanted to have proof of who their employees voted for.

Now let me conclude by saying that in my opinion that every Member of Parliament should take part in an election observation mission at least once. I was trained as a political scientist but I became more aware of the fragility of the voting process through my two observation missions than through my studies. There is still so much to learn from observation missions that I hope this conference will have a follow up. One where we will be able to receive more MP's than we have seen during these two days.

15

The Long Term Observer

15.1 Tasks of the Long Term Observers

15.2 Constraints and recommendations

15.3 Enjoying long-term missions

15.4 Literature

15 The Long Term Observer

Ben M. Groen

15.1 Tasks of the Long Term Observers

Before I start, I'd like to quote an East European politician who said: "The main problem with free and democratic elections is that you don't know in advance who's going to win." This is a very apt summary of an important democratic principle. And the exceptions to this principle are those elections that are not free and therefore not democratic.

To begin with, here is a short summary of the tasks of the Long Term Observers (LTOs). The missions are organised by the Organisation for Security and Co-operation in Europe and its Office for Democratic Institutions and Human Rights (OSCE/ODIHR)¹⁾ in response to an invitation by the country about to hold an election. LTOs, as the term implies, spend a longer term in the field and usually precede the Short Term Observers (STOs) by more than a month, and sometimes much longer, as was the case in the Rose Revolution in Georgia and the Orange Revolution in the Ukraine.

LTOs are often, quite correctly, described as the eyes and ears in the field during the build up of an election. A number of teams are deployed throughout the country where they follow everything concerning the election in the broadest sense. The teams are made up of two LTOs of different nationalities, together with an interpreter and driver. The assigned area can be quite big. This means that a considerable amount of time is sometimes spent on the road.

The first task of the LTOs is to establish contact with all peoples in the region involved in the elections.

They pay visits to:

- regional/provincial/local *authorities* such as governors of provinces, city mayors, etc. These are not just courtesy visits. They are to find out what dealings these authorities

¹⁾ Much of this can be found in more detail in the *Handbook for long-term election observers*, issued by OSCE / ODIHR ().

have with the up-coming elections: whether official, as is arranged by law, for example being responsible for providing and the quality of the voters lists (VLs), or unofficial, or even illegal; are they party members; do they support a particular candidate, and in that case, how do they do that; do they campaign when still in office and if they do, are public funds used?

- regional and local *police*. This is in the first place for security reasons but also to find out the role of the police, active or passive, during the elections.
- *electoral commissions*. Of first concern are the *district* commissions (DECs). These are the commissions responsible for the polling stations (PSs) in their district and its commissions. The DECs are the central hub in the period before and on polling day and have information on the PSs such as their addresses and the number of registered voters, on VLs, election schedules/time tables, etc. But the LTOs are also interested in the composition of these DECs: is this according to the regulations as prescribed by law; what is the balance of power within the commission (in terms of men/women), is there professional dependency, are minorities, if any, represented; are regular scheduled meetings held, are decisions being taken by vote, etc; are the members familiar with the procedures, are they experienced and if not, do they get training?
- LTOs visit the DECs more than once. The Polling Stations are visited later, closer to e-day. On e-day the PSs are of main concern to the STOs.
- *party offices* and candidates to inquire about their campaign plans. Questions raised will be: are they going to campaign actively; will they use local/regional media; what do they think of the way the elections are organised; do they have trust in the organising authorities and commissions; do the authorities guarantee equal opportunities during the campaign to all parties and candidates; do parties have to obtain permission to campaign or need they only notify; are they able to use public spaces/buildings and public funds; who pays for the campaign; do they organise rallies?
- *regional/local media/journalists*. Do they campaign for certain parties and candidates or are they impartial; do they publish or broadcast paid/unpaid campaigning; are the opportunities equal for all parties?
- *courts/judges/prosecutors*. This is to assess the complaints and appeals procedures. Are they aware of the procedures as required by law and do they apply them; if there are complaints, what type of complaints are they and how are they dealt with; are time schedules, as required by law, adhered to when dealing with complaints or appeals?
- *NGOs*, paying special attention to women and minority organisations, as well as domestic election observation organisations; do women or minorities have the same rights, possibilities and equal representation; if domestic organisations plan to send observers to the PSs on election day are they experienced, do they get training, are they independent. And how is the data collected from these observers?
- *institutions of higher education*. This to find out whether, e.g. the rector of a university, plays a role in the elections and if so what role; does he/she try to influence or even intimidate students?

LTOs follow all campaign activities in the area as much as possible. They attend *rallies* to see how they are run. What is the political message; is abusive language used; how many people attend, what is the make up of men/women, age; are the police present and what is their role; how do they behave; is there obstruction, intimidation, violence, etc; are all parties given equal opportunities for rallies by the authorities? LTOs also watch (or ask their interpreter to watch) regional or local TV stations and read local papers if there are any, and watch billboards and posters. What are the rules for placing posters/billboards and are they met?

The next important part of LTOs work is to prepare *the arrival in their area of the STOs*. It entails a whole series of things:

- make a deployment plan based on the distribution of the PSs in the area and the number of STOs available;
- provide accommodation for the teams of two;
- provide them with an interpreter and a driver with a good car;
- provide them with information on the area such as maps, lists of PSs;
- brief them on the LTOs experience so far and warn them for any hot spots;
- find places with faxing facilities. With every visit by the STOs to a PS and DEC during e-day (and perhaps night) forms need to be filled in and faxed directly to the Core Team;
- LTOs also brief and debrief STOs before and after e-day.

15.2 Constraints and recommendations

A few words about LTOs *contact with the Core Team* which is based in the capital. In the first place there are the regular weekly reports from the LTOs to the Core Team. Beside these weekly reports there are the special reports on rallies and incidents, if they occur, especially when violence is involved.

Most of the LTOs contact with the Core Team runs through its LTO Coordinator (LTOC). The Core Team is made up of experts relevant to the elections. There are always a political analyst, and a legal, election and media specialist, all familiar with the politics of the country. Furthermore there is a security officer, a financial officer and logistics expert, etc. The head of the Core Team is the only person authorised to make statements throughout the process. The deputy head coordinates the information from different team members and prepares the preliminary statements.

All experts within the Core Team direct their questions to the LTOC. The LTOC in turn directs them to the LTOs and has the responsibility of collecting the answers. I know from experience that this can cause problems, because the questions can come in at a late stage in the election process. This is when the teams are very busy and have to organise the available time left very efficiently. Sometimes this time problem can be solved by asking the team interpreter to gather the information by phone, but this depends on the nature of the questions. When it concerns e.g. the numbers of voters without a proper identification document, a phone call can provide an answer. In the case of how complaints are handled the question and answer becomes more difficult and better dealt with on the spot.

This brings me to the point that a lot of time is lost in travelling to different destinations as the DEC's can be located far from each other. The numbers of LTOs are often limited and I remember a mission in Belarus in 2001 where my colleague and I travelled more than 4000 kilometres in less than two weeks. And in huge countries, like Kazakhstan with its small population, the situation is even worse. This is very inefficient and I don't have a solution to this problem.

Another problem I would like to address is that LTOs too often don't have enough time after e-day. Not enough to properly say farewell and thank their counterparts with whom they have had an intense working relationship over the previous weeks. Not enough to spread copies of the preliminary statements, see how the complaints and appeals are handled, and observe any public protests about the election results, etc. Although the LTOs remain for another two or three days to clear out the office, this is simply not enough. It should be more like a week.

The STOs are called back to the capital straight after the election for debriefing and to attend the press conference, and from there they return home.

This brings me to the preliminary statement, which is presented during the press conference on the day after e-day. This is, in my opinion, by far the most important document because of the media attention this statement gets. Especially the one or two sentences on the first page. For example: *"The 15th October parliamentary elections met most OSCE and Council of Europe commitments. The elections were administered in a transparent and impartial manner by the Central Election Commission (CEC), which enjoyed the trust of most contenders."* or *"The elections marked tangible progress with regard to ... etc."*

But the statement contains, of course, much more. Even if the general tone is very positive, it will also list events that went wrong. My point is that the media (national and international) will quote only the positive points, while skimming over the more negative

ones – or not mention them at all. That is why, I think, the introduction to the preliminary statement should reflect negative points as well.²⁾

Sometimes LTOs are asked to comment on the preliminary statement during the last meeting with the Core Team in the capital. But as this has already been issued by then, the LTOs' comments have little to no effect. I will come back to this point later.

Another issue is the role of the parliamentarians of the countries that provided the observers. Because of their own tight schedules they often arrive later than the STOs and don't always hold themselves to the same protocols. This can sometimes cause resentment. On the other hand, their first hand experience of a country often in need of assistance of wealthier countries can persuade them to be more generous when the time comes. And I have met many parliamentarians who take part with great dedication.

But there is an inherent problem in inviting parliamentarians. Parliamentarians are political and therefore have their own agendas. Whereas an election observation mission (EOM), as set up by ODIHR, is a purely technical mission. It aims to be politically impartial and to remain objective and fair in its observations. It is, therefore, an anomaly that disputes can take place between the Core Team and a delegation of parliamentarians when it comes to the content of the preliminary statement. The latter usually considers the initial preliminary statement too negative.³⁾ Attempted interference undermines the impartiality of the report.

On the other hand, as the LTOs are the 'eyes and ears' of the mission, their opinion on the draft text of the preliminary statement would be a more impartial and therefore a constructive contribution. That is why I would plead for asking the LTOs' opinions on the draft statement during the night of e-day.

The DEC's have received more attention from observers in the last couple of years. Correctly so. But observation of the DEC's during Election Day remains problematic. It mainly takes place during the night. The PS commissions, sometimes in their hundreds, are tired and want to go home as soon as possible. It can happen that the organisation in the DEC is not equipped to handle all this material quickly and efficiently. The people waiting in line, sometimes for hours, become impatient and start to push. The result is chaos. I have witnessed this quite often. The election materials, and especially the protocols, still need to be checked and computerised. This is often done in three or even four different rooms within the building. This makes observation of the proceedings almost impossible. A team of only two STOs is therefore insufficient. My suggestion would be to have at least three

²⁾ As examples of too positive statements followed by an enormous list of negative comments I can mention: the October 1999 parliamentary elections in Georgia, the July 2005 presidential elections in Kazakhstan, the February 1996 and 2008 presidential elections in Armenia, just to mention a few.

³⁾ For the Moldova November 2010 parliamentary elections a Rumanian parliament member wanted all negative comment to be removed. The preliminary statement was generally positive to which practically all LTOs agreed, but it was not good enough in the eyes of this member of the Rumanian parliament. The HoM of this mission, however, did not give in.

people in the teams. This will give them the necessary ears and eyes to better follow everything what happens in the DEC's offices.

15.3 Enjoying long-term missions

On a personal note, I have always enjoyed my long-term missions – with some exceptions. During a long-term mission one is able to immerse oneself into the culture and language of other people, which I always find fascinating. My colleagues have been interesting and capable people on the whole. Some have even become my friends. There are a few, however, who are not up to standard, and despite complaints appear again and again. One would wish that the OSCE/ODIHR were able to install some sort of filtering process, because such people can destroy a good working relationship within the teams and, more importantly, with the local people.

I would like to finish by saying that my experience has been that the local people are usually welcoming, hospitable, cooperative and generally positive about the observation missions. Especially so in countries where people mistrust their own authorities, where there is limited democracy and freedom of press and where opposition parties have a difficult time. I have been told more than once that election observation missions are important to them in their efforts to gain more freedom. Without a free press we become, as it were, their voice towards the 'free world'.

15.4 Literature

OSCE/ODIHR (2008). Handbook for long-term election observers. Warsaw: OSCE/ODIHR.

16

The perspective of the Head of Mission in an OSCE/ODIHR Election Observation Mission

16.1 Introduction

16.2 Organization

16.3 Content

- Position of the Head of Mission
- OSCE Parliamentary Assembly
- Other observation missions
- OSCE/ODIHR Preliminary Statements
- OSCE/ODIHR EOM to Tajikistan in 2006
- Sustainability

16.4 Conclusions

16 The perspective of the Head of Mission in an OSCE/ODIHR Election Observation Mission

Onno van der Wind

16.1 Introduction

Election observation is not about finding out what goes wrong, it is about finding out what takes place. The instrument used by the international community is known as the Election Observation Mission (EOM). Both the EU and the OSCE are active in the field of election observation¹⁾. To be a good observer in such a mission requires a specific mindset. It requires impartiality, objectivity and a keen eye for detail and context. There is no room for quick or stereotype judgment since errors in this field cannot easily be undone and may have severe political repercussions. It is therefore evident that not everyone is cut out for this work.

In addition to the Core Team in the capital city, an EOM normally includes Long- and Short Term Observers (LTOs and STOs) who are subsequently deployed in the country²⁾. To a certain degree the STOs have their work spelled out for them, facilitated by standard report forms which leave little room for subjective personal assessment. This is very different for the LTOs who have to take a wide range of developments into account, report and describe the general mood in the area and convey the contents of meetings and the like. Here, a simple 'Yes' or 'No' or a single number does not suffice. This brings the imminent danger of cultural or social bias. The OSCE LTOs always work in teams of two and the partners are usually of different backgrounds to adjust or correct each other if and when necessary.

¹⁾ The Organization of Security and Cooperation in Europe (OSCE) has 56 participating States from Europe, Central Asia and North America. Election observation is carried out by its Office of Democratic Institutions and Human Rights (ODIHR) which is based in Warsaw.

²⁾ LTOs and STOs are seconded by their governments. The LTOs are deployed early in the mission and stay about eight weeks or more. The STOs are deployed just before the election and their main task is to observe polling stations on Election Day. Usually, they remain in the country for one week.

At the meta-level, the Head of Mission (HoM) is still an observer – comparable to the LTO – but his observation is done through the eyes of others and is therefore indirect. I believe this is the first element. This is not to say that the HoM does not have direct observations. He or she must maintain contact with key players in the host government, the Central Election Committee, candidates, political parties, the national and international media and all the other relevant actors. I would like to call this external action the second element. Yet, from the point of observation it is as important as the first element.

At certain stages in the election process this second and external element is so time-consuming that it becomes difficult for the HoM to keep an eye on the first and internal element. Fortunately, a HoM does not operate alone. He can rely on his staff, especially on the Deputy Head of Mission (DHoM) and the LTO coordinator. Nevertheless, an effective HoM must strike a balance between the two elements. One way this can be done is to travel and visit some of the LTOs personally. It works specifically well if there is a clear cultural or political division in the country or a regional opposition. In Tajikistan the Core Team was based in Dushanbe, while much further to the North in Kujand, the second major city in the country, the political and ethnic situation was completely different. It is worthwhile to fly to a specific area in a situation like this. In a politically or culturally more homogenous situation, it is less effective.

It is obvious that the HoM is responsible for running the entire mission and all the aspects that come with it. Since it is not a small organization and indeed one that builds up quickly and dissolves in a few weeks, it requires specific managerial capabilities. It is true that the HoM normally has experienced staff, but no mission is the same. Every mission brings its own challenges, whether operational, logistical or political.

There is little structural training readily available for the position of HoM, although some progress has recently been made in this field. To my knowledge, most people who have held this position have had extensive election experience, often as STO or LTO. Former diplomats or high ranking officials are not by definition qualified to carry out the tasks of HoM as their background, valuable as it may be, is not necessarily a guarantee for success in the field of election monitoring. In this context, it is important to note that the wrong person as HoM could have detrimental consequences, not only for the first element but also for the second. Election observation is a technical work for experts and requires insight and experience.

16.2 Organization

The OSCE has now a longstanding and proven methodology for deploying observation missions. The findings of a Needs Assessment Mission (NAM), sometimes called Technical Assessment Mission (TAM), determine the composition of the EOM as well as its format, from an expert team to a full-scale mission. For the HoM this makes a vast difference since a full-scale mission (with LTOs and STOs) brings with it all the responsibilities that come with leading a large organization spread out over an extensive area. The nucleus of the mission, a Core Team, is a balanced group of 12–20 experts, deployed in the host country some eight weeks prior to Election Day (E-Day).

The functions of the Core Team members ensure that knowledge of the specifics of the election process, appropriate law and politics is available and up to date³⁾. The contact between the members is intense and working hours get longer the closer the E-Day. From the managerial point of view, the composition of the Core Team appears to be adequate. However, one could argue for the reinforcement of the LTO coordinator post as this function carries a heavy workload. The more LTOs there are, the greater the need for coordination. Even in a small mission it is a strenuous job. As the E-Day approaches, the LTO teams are operational on a 24-hour basis and their link to the Core Team is ensured by a single LTO coordinator. In my opinion, this is a dangerously weak point.

Of course, the outcome of the work that needs to be done depends largely on the people. Although there are always newcomers to the job, it strikes me how quickly everyone in the Core Team becomes involved. ODIHR is meticulous in selecting and balancing the mission staff. Together with colleagues in many other EOMs, I would like to take this opportunity to compliment the responsible Election Advisers in Warsaw for their skills and expertise. They seem to have a knack for getting it right, not only in Tajikistan (where I served as HoM) but elsewhere. This brings me to the point that the primary task of the HoM is that of a facilitator and coordinator. HoM is not a specialist in the field in the varied functions represented in the staff and he or she should not act as such. Naturally, the HoM is directly responsible for maintaining high level contacts, however, it is essential that he or she is able to rely on and trust the specialists in his staff. Micro-management should be avoided at all times.

With regard to the statistics, the number of observers and staff increases manyfold closer to the E-Day. Taking Tajikistan EOM as an example, the EOM counted 13 LTOs and close to 170 STOs further reinforced with some 50 other international observers. Together with all the local staff the total number of personnel on the E-Day reached 452.

³⁾ Normally, the Core Team includes the following experts: Political, Election, Legal, Logistics, Security, Communications, Gender and Human Rights, LTO Coordinator, Media and Statistics. In addition, there is an Election Advisor from ODIHR. The Head of Mission has a Deputy.

16.3 Content

Position of the Head of Mission

Although this article is mainly about election observation in the OSCE area, it is interesting to digress for a moment and to note that the position of the Head of Mission in an EU-lead mission is quite different. In the EU the HoM is independent in formulating his or her assessments. There is no formal influence from the EU departments or Parliament on the actual wording of the final statement at the end of the election process. In fact, AidCo and RELEX⁴, the two EU departments in charge of elections can make suggestions, but it is up to the HoM to accept them. Traditionally, the HoM is a member of the EU Parliament. In the OSCE/ODIHR the HoM certainly has influence but he is ultimately dependent on the ODIHR office in Warsaw. When it comes to the wording of statements after the election it is always a compromise between OSCE/ODIHR and OSCE Parliamentary Assembly (OSCE PA)⁵. The HoM in OSCE/ODIHR EOM is a technical processor and managerial operator with a diplomatic but no political status. The political responsibility rests with OSCE/ODIHR.

Although one may argue for some form of independence for the HoM within OSCE/ODIHR, there is a reverse side to it. In the OSCE/ODIHR EOM many election standards and procedures are in place assuring a common and unified approach to assessment and reporting. This assures that the same standards are applied across all observed elections. This is a great asset which is missing in EU EOM's although the EU is closing the gap in some fields, specifically with regard to the evaluation of the work of election observers⁶. The other difference is that the HoM in EU EOMs spends a very limited time in the mission: normally, 1–3 days in the beginning and few days at the end of the EU EOM, leaving all the work in the hands of the DHoM. This is quite different in the OSCE EOMs where the HoM stays with the mission on a permanent basis.

Personally, I believe that the OSCE approach is to be preferred since the outcome is not simply in the hands of one person who happens to be the HoM. If, for whatever reason, the performance of a HoM in an EU EOM proves to be inadequate or he or she is personally too subjective there is no way to redress this, whereas in the OSCE due influence is likely

⁴) Abbreviations for “European Aid Co-operation Office” and “External relations DG Relex.”

⁵) OSCE PA is the parliamentary component of the OSCE. The PA convenes annually and its secretariat is based in Copenhagen, Denmark. The members of the PA are chosen from and by the national parliaments of the participating States.

⁶) Information provided by O. Lehner (Austria) (former Deputy Head of Mission, OSCE) and C. J. van Peski (Netherlands) (International Consultant and Short-Term Observer).

to happen. The OSCE approach also enables experts other than politicians to hold the position of HoM as long as they qualify in terms of management and experience.

OSCE Parliamentary Assembly

The second point I would like to touch upon is the confusion that the OSCE has called upon itself. When speaking about an OSCE/ODIHR EOM, we are in fact referring to two very different missions. There is the EOM as described above. The “second” mission that is deployed one or two days before the E-Day is the delegation of the aforementioned Parliamentary Assembly (OSCE PA). A number of OSCE parliamentarians arrive in the country for two or three days to join the OSCE/ODIHR STOs in observing polling stations (PS). For example, 25 parliamentarians participated in the EOM to Tajikistan in 2006 election. Such STO enhancement is welcome as long as it is fully embedded in the entire STO operation. However, this is extremely difficult to organize since some politicians are reluctant to be coordinated or opt for conveniently located polling stations. The LTOs therefore cannot always rely on the politicians when they prepare a deployment plan. It is a regular occurrence on the E-Day for polling stations to receive two STO teams at the same time, one from OSCE/ODIHR and one from OSCE PA. This leads to confusion and is a waste of resources.

The OSCE PA STOs cannot incorporate observations deriving from the pre-election period. On some occasions they are reluctant to use the STO report form, which jeopardizes a unified observation and may lead to flaws and even contradicting assessments. However, suffice it to say that observers of the OSCE PA are not very popular with the LTOs who have to deal with them. At the same time, I will be the first to admit that some of the OSCE PA STOs do well.

Furthermore, the Head of the OSCE PA delegation (who is only in the mission for a limited period of time) is formally Head of the entire STO operation on the E-Day, not only of his own PA observers but all STOs including the regular ODIHR STOs⁷⁾. I have never understood to what benefit. In practice, however, the chain of command during the E-Day is unchanged. It is the OSCE/ODIHR HoM who directs the LTOs and the LTOs direct the STOs. There is hardly any managerial input from the Head of OSCE PA delegation on the E-Day with regard to operations. It is most certainly a unique and somewhat strange formal set-up.

I was lucky that in Tajikistan the Head of the OSCE PA delegation – a very competent Finnish politician – understood this quite well and we were able to establish a good working relation. This is important since the Head of the OSCE PA delegation does have a say in the wording of the Preliminary and Final Statements which represent a joint effort

⁷⁾ *Expressis verbis* stated in a welcome letter from the Head of the OSCE PA delegation to all STOs on their arrival, in some EOMs including Tajikistan. This is confusing for both OSCE/ODIHR short-term observers and the press during the press conference on the day after the election where the HoM of the OSCE/ODIHR EOM and the Head of the OSCE PA delegation preside and take questions together.

of the OSCE/ODIHR HoM, the Head of the OSCE PA delegation and the Head of the Election Unit of ODIHR or his or her representative.

The parliamentarians have a tendency (for all kinds but mainly political reasons) to look at the election results in a more positive way than the OSCE/ODIHR HoM and hence ODIHR itself. This can cause considerable tension resulting in long arm twisting debates over semantics. Ultimately, it can result in two separate statements, one from the OSCE PA and one from ODIHR, which, of course, is not easy to explain since both are OSCE institutions. However, I am not aware of this happening frequently. In Tajikistan we were able to work out a reasonable consensus. Nevertheless, even this rare occurrence should be addressed. It is my firm belief that the OSCE/ODIHR EOM should always be a technical mission. I understand that at some point a connection with politics is required. This is quite clear. My point is that the connecting instrument which is now in place (the delegation from the OSCE PA) is not appropriate since it allows room for subjectivity at the very moment it should be excluded. The Preliminary Statement should be a statement from OSCE/ODIHR alone, but it is not. This weak point is unfortunately not widely known. I do not know why the OSCE/ODIHR ever agreed to this untimely and therefore undue influence. This should be a point for further research and hopefully a point for correction.

Other observation missions

The third point I would like to make is the appearance of other observation missions within the OSCE area. Specifically in Central Asia and the Caucasus, the HoM is now confronted with missions of the Commonwealth of Independent States (CIS) frequently led by the Russian Federation. There is a number of *raisons d'être* for deploying such missions. Most of them pertain to the mistrust of the regular OSCE findings, which are too critical in the view of the CIS. The presence of two competing organisations, CIS and OSCE/ODIHR missions, breeds confusion, as there exists only one OSCE standard agreed to by all OSCE Member States in the Copenhagen Document. Since when do we have 2 OSCE standards? We all agreed on the Copenhagen document, didn't we? ⁸⁾

Routinely, the findings of CIS missions are much more positive compared to the OSCE findings. One can opt to ignore the CIS missions but they choose to render their findings public usually 24 hours before the OSCE comes up with its own preliminary statement which inevitably catches the attention of the media. In addition, the HQ of the CIS is routinely the better equipped office (provided by the government with all communications

⁸⁾ The Copenhagen Document – officially “Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE”, was concluded on 29 June 1990. It introduced numerous new commitments in the areas of democratic elections, human rights and the rule of law.

up and running) while the OSCE stays clear of government-owned offices in order to maintain its independence. Issuing contradicting statements naturally weakens the instrument of election observation.

When confronted with the CIS statement during the press conference two days after the E-Day (I was asked why the CIS was much more positive on points x, y and z), I simply replied to the media that the OSCE EOM was not competing in a beauty contest with the CIS and that OSCE used universal standards as agreed upon by all participating States. It seems to me that the CIS is willing to give more credit points to the particular political, economic or historical situation of the country in which the observation takes place. To my knowledge, the Copenhagen Document does not provide a room for this⁹⁾.

In Tajikistan we were also confronted with an observer mission of the Shanghai Cooperation Organization (SCO). This was observation mission lead by a Chinese HoM and formally we were not in contact with this mission. Ultimately, the SCO statement was more favourable than the one from OSCE, which is less relevant since the SCO is not bound by the Copenhagen Document. The presence of a few election observation missions on the ground can frequently cause confusion among the polling station staff.

OSCE/ODIHR Preliminary Statements

The fourth point I would like to raise is the transparency of the wording of the OSCE/ODIHR preliminary statements as can be read in the executive summary, normally in chapter one (paragraph 2) of the documents mentioned¹⁰⁾. I have already explained the difficulties in formulating the overall assessment. It is here that one can read: “unsatisfactory” or “did not meet all standards”, or “some progress has been made”. In Tajikistan the final wording was as follows: “The presidential election in the Republic of Tajikistan did not fully test democratic electoral practices as outlined in the 1990 Copenhagen document due to a lack of genuine choice and meaningful pluralism and revealed substantial shortcomings”.

I believe that it would be worthwhile to look for a better classification, one that can be understood by the electorate. Now the question is: which classification? What are the elements of each classification? That is not an easy question. Maybe one should keep it simple, – A, B, C or D rating, based on only a few criteria, might be sufficient. Or: Good, Satisfactory, Unsatisfactory or Bad. In any case, it should be a rating that would be clear to

⁹⁾ With regard to elections the articles 5,1, 6 and 7 are instrumental <Is this the reference to the Copenhagen Document? It is not clear which document this reference is for>.

¹⁰⁾ The Preliminary Statement is normally public on the day after the election. The Final Statement follows a few months later. In essence it does not differ from the Preliminary Statement but it contains more data, specifically statistical. The named documents for each mission are publicly available on the OSCE/ODIHR website.

all. I do not have the solution at this very moment but I believe that an election is a process for the entire electorate and not only for politicians. A standard classification is also an instrument in comparing elections. It might appear to be far-fetched but I hope that this will at least be explored. Ultimately, I would like to stress that let the politicians speak after OSCE/ODIHR EOM has finished the observation and has formulated its statements.

OSCE/ODIHR EOM to Tajikistan in 2006

I am now coming to point 5. It has to do specifically with the situation surrounding the presidential election in Tajikistan in 2006, but it has wider implications. In order to better secure the position of the incumbent, the electoral law of Tajikistan had been changed a few years prior to the election. Nominated candidates had to provide support signatures of 5 percent of the registered voters which was a significantly high percentage. Normally, within the participating States it is around 1 percent.

Five candidates presented their candidatures for the presidential election, including the incumbent. From the point of view of plurality it looked good. However, when you have five candidates and each of them requires 5 percent of the registered voters supporting him with a signature, you are referring to approximately 25 percent of the voters. In the case of the 2006 Tajikistan election this amounted to 800,000 registered voters and an equal number of signatures. One would assume that such a large number of written statements would be somewhere in an electoral office ready for inspection.

Although we did our utmost, we never found them. The fact that the candidates – other than the incumbent – were virtually unknown to the public, raised enormous concern regarding the principle of free and fair choice. We were almost certain one of them was a technical candidate and two others fairly insignificant but we were never able to establish the status of the other candidates since we did not have access to the aforementioned registration process. What does this tell us?

The Preliminary Statement read as follows: “did not fully test democratic electoral principles due to a lack of genuine choice and meaningful pluralism”. A stronger statement could easily have been given, in my view. In fact, one could argue that there was a choice, vote for the incumbent or not. In this sense, the process is slowly changed from election to confirmation. Yet, the situation can be worse. In the presidential election in 2011 in neighbouring Kazakhstan the media reported that the three other candidates expressed the hope that the incumbent would win¹¹⁾. At least the candidates in the Tajikistan presidential election in 2006 did not publicly state such hope.

¹¹⁾ In 2010 Kazakhstan assumed OSCE Chairmanship. The reports mentioned were published in two Dutch newspapers NRC Handelsblad and De Volkskrant (3 April 2011)

Sustainability

The sixth and last point has to do with sustainability. The OSCE has built up a broad knowledge through various missions. Although an EOM is only deployed for a limited time in the area, the subsequent findings are easily available and accessible for anyone who shows interest.

In some countries there is a permanent presence of the OSCE, which contributes to the knowledge of the specific country. One of the first things a HoM has to do, once deployed, is to contact the OSCE Office in the country to get familiar with various developments, key players, general sentiments in the country and other important issues. In other countries there is no permanent OSCE office. I have found the cooperation with these offices very useful. In Tajikistan it gave me a head start and a distinct advantage¹²⁾. The OSCE office can also largely facilitate accreditation of the Core Team upon arrival. On the other hand, such offices of the OSCE may be sensitive to the findings of the EOM. The EOM leaves the country at one point whereas the OSCE has to stay which, in the event of a negative report, may have (temporary) repercussions on their work. In that respect, it is worthwhile to recognize this and ensure that the distinction between OSCE/ODIHR EOM and the permanent representative remains clear to the authorities and the media.

16.4 Conclusions

- Election observation is a wonderful and challenging experience.
- However, OSCE needs to be keen on improvements, otherwise its assessments will slowly but surely lose value.
- Specifically, the relation between OSCE/ODIHR and OSCE PA is up for revision.
- There is a need for a transparent classification of the observed election process, one that can be understood by the electorate.
- A more permanent instrument of evaluation is called for, one which will develop and structure recommendations of the internal work of the EOM. The Expert Meeting in Maastricht (April 2011) may count as a first but solid step.

¹²⁾ OSCE Office in Tajikistan is based in the capital city Dushanbe.

Trust and proxy voting in The Netherlands

17

Trust and proxy voting in The Netherlands

17.1 Introduction

17.2 Framework of social cohesion

17.3 Data, methods and results

- Data and methods

17.4 Trends 1989–2010

- Trust: 2002–2010
- Participation: 1989–2010

17.5 The Netherlands in the European perspective

17.6 Proxy voting and group voting

17.7 Voting together

17.8 Conclusions and discussion

17.9 Literature

17 Trust and proxy voting in The Netherlands

Hans Schmeets

17.1 Introduction

There are growing concerns about the polarisation of the social and political life in The Netherlands. This is reflected in the discussions on the impact of Islam and non-western ethnic minorities on society. In 1994, the integration of ethnic minorities was already the most frequently problem mentioned in the Dutch Parliamentary Election Studies (DPES). It has remained in the top 3 issues in every DPES since. In 2006, it was the highest-ranking problem at 36 percent. In 2010, it came second, after the financial crisis. The assassinations of the LPF party leader Pim Fortuyn in 2002 and film-maker and columnist Van Gogh in 2004, the ideas on the role of Islam held by a former Liberal Party member Hirsi Ali, and the events of 9/11 received a lot of media attention and were widely discussed by politicians and the public.

At the political level the concerns of the Dutch population are reflected in the support of new parties and political movements, such as the right-wing Party for Freedom (PVV, led by Geert Wilders). In 2006, the PVV won 9 of the 150 seats in Parliament while the left-wing Socialist Party (SP) had the third largest representation after the Christian Democrats (CDA) and the Labour Party (PvdA). By 2010, the support for as well as the political impact of the PVV had increased dramatically. Not only did the PVV went from 9 seats in 2006 to 24 seats in 2010 but it was also able to demonstrate its power by committing its support to a minority coalition of the Liberal Party (VVD) and Christian-Democrats (CDA) to secure a slim majority of 76 seats. Hence, after a period of depolarisation, there has been a trend towards increasing political polarisation since the end of the nineties (Aarts, Van der Kolk and Rosema, 2007).

This political shift in Dutch society has been widely discussed and is often seen as an indication that social cohesion is eroding. This is also reflected in a perceived decline of social and institutional trust (SER, 2009). Meurs (2008), for instance, states that The

Netherlands has changed from a *high trust* into a *low trust* society in a short period.¹⁾ In politics there are concerns about the decline in trust and social cohesion. In a letter to the Social Economical Council (SER) of 8 December 2009, the government asks for advice on: ‘...how the business community can contribute to the preservation, c.q. re-establishment, of the traditionally high levels of institutional and social trust and social capital’ (Ministerie van Economische Zaken, 2009). Social cohesion was also one of the six pillars of policy of the previous coalition government, formed in 2007 by the two Christian parties (CDA and CU) and the Labour Party (PvdA), who placed it prominently on the political agenda.

This chapter focuses on the developments in participation and trust levels in the period 1989–2010. Has social cohesion, and in particular social and institutional trust, in The Netherlands declined in the past two decades? By showing trends based on the available data sources, we look for evidence for the alleged shift from high to low trust levels in society. To do this, we start out from the framework of social cohesion developed at Statistics Netherlands, which distinguishes three dimensions: (1) participation, (2) trust, and (3) integration. This framework is described in more detail below. As the next step, we focus on trust and participation in the European perspective. We will demonstrate that The Netherlands shows high levels of trust and participation. This will be followed by trust in elections, proxy voting and ‘voting together’.

17.2 Framework of social cohesion

The concept of social cohesion is broad. Several definitions can be found in the literature. These often include various levels of participation that generate community: social (informal social relations), civic (in organisations), and political participation (in the sphere of the state). Also, social cohesion is related to the concept of social capital, which is defined as social networks and trust.²⁾ Often, social capital is considered to be a building block of social cohesion, whereas others see social cohesion rather as a consequence of social capital. The description adopted by the OECD “networks together with shared norms, values and understandings that facilitate co-operation within or among groups” has been widely approved by various National Statistical Institutes (NSIs). The NSIs of New Zealand, the UK, Australia, Canada and Finland developed specific statistics on social cohesion or social

¹⁾ This was also reported by the Director of the Dutch Social and Cultural Planning Office: “In a short time we devolved from a high trust country like Denmark or Switzerland to a low trust country like Belgium or Germany” (Schnabel, in NRC: 19 June 2008).

²⁾ The definition and operationalisation of the concept of social capital itself has been widely discussed, often referring to the work of Bourdieu (1986), Coleman (1988; 1990), and Putnam (1995; 2000).

capital (e.g. ABS, 2004; Beauvais and Jenson, 2002; Berger-Schmitt, 2002; Bernard, 1999; Coutts, et al., 2007; Harper and Kelly, 2003; Iisakka, 2006; Jeannotte, 2000; PRI, 2005; Spellerberg, 2001). In 2008, Statistics Netherlands (SN) also developed a framework (Schmeets, 2008a;b; 2009; Schmeets and Te Riele, 2009; Te Riele and Schmeets, 2009; Te Riele and Roest, 2009). Elaborating on the conceptual frameworks used by other NSIs, the following three dimensions of social cohesion are distinguished: (1) participation; (2) trust; and (3) integration. This framework comes very close to indicators of social capital as it is defined at the micro-level.

In line with Eliasoph (1998) and Van der Meer (2008), three levels of participation were distinguished: 'social', 'civic', and 'political'. Social participation refers to social contacts of people, including supporting and helping each other. Civic participation includes participation in organisations, including memberships, volunteering and participation in the labour market. Political participation includes activities to influence politics. The second dimension is trust and refers to trust in other people and trust in institutions, including political institutions. In accordance with the Australian Bureau of Statistics (ABS, 2004), trust is considered as a measure of the quality of networks and relationships between people and institutions. In line with the three levels of participation, three levels of trust are distinguished: (a) social trust; (b) trust in institutions; and (c) trust in politics. The third dimension concerns integration and refers to the participation and trust of all people in society. Not only are the participation and trust relevant within specific groups in a society but also between them. Social cohesion in a society will increase if various groups – e.g. lower and higher educated people, lower and higher income groups, natives and ethnic minorities, religion followers and atheists – have contacts and trust in each other. In terms of social capital: not only is the bonding social capital (within groups) a prerequisite for social cohesion, but also the bridging social capital (between groups).

17.2.1 Framework of social cohesion: participation, trust, and integration

Participation, trust and integration

INTEGRATION	
PARTICIPATION	TRUST
Social (social contacts)	Social (in others)
Civic (in organisations)	Institutional
Political	Political

17.3 Data, methods and results

Data and methods

As Statistics Netherlands did not develop specific statistics on social cohesion or social capital until 2009, no detailed information on social cohesion within a specific survey module is available. However, SN has a long-standing tradition of gathering information linked to the concept of social cohesion, like volunteer work, contacts with friends, family and neighbours, and informal help.³⁾ In addition, information on political participation and trust is available in the Dutch Parliamentary Election Studies of 2006 and 2010. Another source we used is the European Social Survey, conducted bi-annually in 2002–2008, which includes information on social and institutionalised trust.

Moreover, SN has developed the Social Statistics Database (SSB) as the main data source for the production of social statistics. The SSB includes data on all Dutch citizens based on longitudinal register information, as well as cross-sectional and longitudinal surveys. This database, unique in the world, makes an integrated approach in the broad field of social cohesion possible. The SSB includes information on the entire population with regards to gender, age, country of origin and marital status, enriched with other register information such as income and regional characteristics as well as information on social cohesion based on large scale surveys such as:

Labour Force Survey (LFS): 2000–2009 (N = 800,000);

- Permanent Survey on Living Conditions (POLS): 1997–2009 (N = 300,000);
- Dutch Parliamentary Election Study (DPES) in 2006 and 2010 (N=5,300);
- European Social Survey: 2002, 2004, 2006, 2008 (N=7,500);⁴⁾

The following variables are included in these surveys:

- LFS: volunteer work in six different organisations;
- POLS: contacts with family and friends; volunteer work in 13 different organisations; providing informal help; and participating in activities of clubs and associations, social trust and trust in institutions (the latter two only in 2009);
- ESS: social trust and trust in eight institutions, social and political participation;
- DPES: social trust and trust in ten institutions, social and political participation.

³⁾ On the other hand, hardly any information is available on networks.

⁴⁾ Fieldwork conducted by GfK.

Participation rates, such as contacts with family, friends and neighbours, volunteer work, and informal help are included in the Permanent Survey on Living Conditions (POLS). Social and institutional trust is included in POLS 2009, DPES (2006 and 2010) and the ESS (2002–2008). The answer categories differ: in POLS and DPES the 'YES/NO' option is used for social trust and four answer categories are used for trust in various institutions. The ESS, on the other hand uses a scale from 0 (no trust at all) to 10 (complete trust). For reasons of comparison, we aggregated the positions 6 to 10 into the YES option. In POLS and DPES the categories 'very much trust' and 'fairly much trust' in institutions are taken together and considered as 'YES'. Additionally, we included voting behaviour during the parliamentary elections in 2010 using the turnout rate as an indicator for political participation.

17.4 Trends 1989–2010

Trust: 2002–2010

The starting point of our overview is trust. Unfortunately, as data on trust levels are available from 2002 onwards, we can only produce a trend based on a rather short period of time. Social and institutional trust was included in the ESS in 2002, 2004, 2006, and 2008. Although the questions on trust have been severely criticised, they have been included in many surveys.⁵⁾

The aggregated findings of the four consecutive years show that a majority of 61 percent of the population trust other people. The share of those who opted for marks from 6 to 10, i.e. YES, increased from 58 percent in 2002 to 64 percent in 2008 whereas the share of those who opted for the NO response dropped by 4 percent.

In line with social trust, the ESS findings demonstrate a clear increase of trust in institutions too (Kloosterman and Schmeets, 2010a). The judicial system and police in particular, gained more support, as trust levels increased by 11 percentage points between 2002 and 2008, from 52 to 63 percent and from 61 to 72 percent, respectively. Interestingly, after a small dip below 40 percent of trust in Parliament between 2002 and 2004, trust reached 60 percent in 2008. Other political trust indicators also show a clear rise. Trust in politicians and political parties rose from about 40 to over 50 percent. This upward trend

⁵⁾ See Reeskens and Hooghe (2009) for an overview.

is also found for trust in the European Parliament and NATO. The DPES findings confirm this trend of growing trust levels for 2006–2010 (Te Riele and Schmeets, 2010a).⁶⁾ This is true for trust in the army, NATO, European Union, civil servants and major companies. The trust in some other institutions remained stable in this period: press, police, lawyers and parliament. Support declined drastically for one institution: trust in the church fell from 42 to 33 percent.

Participation: 1989–2010

The vast majority of the Dutch population has weekly contacts with relatives, friends and neighbours (Coumans, 2010). Moreover, the share of such contacts has increased. In 1997, 82 percent of the population aged over 12 were in contact with relatives through meeting, phoning, writing or e-mailing them, by 2009 this had risen to 86 percent. Similarly, contacts with friends increased from 77 percent in 1997 to 80 percent in 2009. Contacts with neighbours, however, stabilised around 66 percent in the same period.

Informal help refers to helping other people, such as family, friends, and neighbours, outside organisations and one's own household. Three in ten people had provided such help in the month preceding the survey. The share of people helping others has not changed since 1997 (Van der Houwen, 2010).

POLS asks respondents about volunteering for 13 different types of organisations, such as education (schools), church, health care, youth, culture, politics, trade unions, and action groups. A total of 42 percent did volunteer work at least once a year for one or more of these organisations. Most volunteers are found in sports clubs, followed by religious organisations, schools and health care organisations. This picture did not change substantially in the period 1997–2008.⁷⁾ However, the LFS findings show a 3 percent increase in volunteering – defined as 'at present' – particularly in sport/hobby, between 2001 and 2006 to 21 percent. These results stabilised in subsequent years (Arts and Te Riele, 2010).

Political participation is the third level of participation. The voter turnout rates in the European, national, regional and local elections did not change substantially from 1989 onwards. However, before 1989 voter turnout saw a sharp decline in all four types of elections, particular regional elections and elections for the European Parliament (from 1979 onwards).

⁶⁾ The institutions included in the ESS and DPES differ. The ESS includes more political institutions, such as 'parliament', 'European parliament', 'political parties' and 'politicians'. The DPES focuses more on general institutions in society, such as 'church', 'army', 'press', 'police', and 'big companies'.

⁷⁾ In 2009 questions on volunteering were not included in POLS.

Historically, the turnout in the national parliamentary elections has been high: between 80 and 90 percent of the electorate went to the polls until 1989, and then turnout fell a little to between 74 and 80 percent. Moreover, the 5 percentage point decrease between the two previous elections – from 80.4 to 75.4 percent – was probably due to the adoption of a more stringent legislation on proxy voting that fell by 4 percentage points from 12 to 8 percent (Schmeets, 2010d). Surprisingly, the turnout in the previous municipal elections in 2010 was slightly lower than in the 2006 elections, but the turnout for the 2011 provincial elections increased substantially compared to 2007, from 46 to 56 percent. Apart from turnout, participating in political activities is an indicator for political participation. The DPES asked about political activities in the past five years, such as participating in a pressure group, attending political meetings and demonstrations, lobbying via the internet or contacting the media. Some 37 percent participated in at least one such political activity in 2006; this figure had not changed in 2010. Neither did any other indicators show a decrease in political involvement (Schmeets, 2010d). This includes the levels of political interest, following election campaign activities, as well as political debates on TV, and the willingness to act against a ‘bad’ proposal from politicians.

17.5 The Netherlands in the European perspective

A cross-country comparison reveals that The Netherlands is a high trust country (Linszen and Schmeets, 2010). Together with other social-democratic welfare states – including Norway, Finland, Denmark and Sweden – The Netherlands has a high ranking. A vast majority of 64 percent of the Dutch population shows trust in other people, which contrasts sharply with many Eastern and Southern European countries. For example, in Turkey, Bulgaria and Portugal social trust is less than 20 percent.

In addition, The Netherlands demonstrates high trust levels in various institutions. Some 72 percent have trust in the police. Only in some Nordic countries – in particular, Denmark and Finland – do more people trust the police. Some 63 percent of the Dutch population has trust in the juridical system. Only in four other countries – Switzerland, Norway, Denmark and Finland – is the trust in the juridical system higher. In neighbouring Belgium trust is substantially lower at 42 percent, which compares to France and the UK. Rather lower trust levels are found in Ukraine, Bulgaria and Croatia.

The majority of the Dutch shows trust in politics: Parliament, politicians and political parties. These trust levels are higher than in most other countries and can be compared to Norway, Finland, Denmark, and Sweden. Especially low trust levels are found in the Eastern European countries, such as Poland, Bulgaria, Ukraine, and Hungary. In some of the Mediterranean countries, such as Greece and Portugal, trust in politics is rather low in comparison to other European countries.

Many Dutch citizens are involved in volunteer work. A cross-country comparison has revealed that most volunteering is found among the Dutch population: 35 percent say that they did volunteer work in the month before the interview. This figure contrasts sharply with many other countries, particularly with Cyprus, Turkey, Greece, Bulgaria and Spain, where less than 5 percent of respondents were involved in volunteering. In addition,

17.5.1 Percentage social and political trust by country, 2008

	Social trust		Political trust		Institutional trust	
	Trust in others	Politicians	National parliament	European parliament	Judicial system	Police
	%					
Belgium	46	34	26	46	43	63
Bulgaria	19	7	5	36	11	20
Cyprus	34	51	33	60	64	57
Denmark	75	68	53	42	80	86
Germany	41	34	16	28	56	74
Estonia	47	24	15	39	39	61
Finland	70	63	42	47	81	91
France	29	31	16	34	45	56
Greece	24	21	8	34	41	41
Hungary	25	10	5	27	23	30
Croatia	29	13	7	20	15	30
Latvia	30	7	5	28	30	37
Netherlands	64	60	52	48	64	73
Norway	73	54	33	37	74	79
Ukraine	26	4	3	26	6	9
Poland	25	11	4	31	21	42
Portugal	20	18	6	30	24	48
Romania	27	27	18	51	26	35
Slovenia	29	30	15	38	29	42
Slovakia	27	24	18	42	26	37
Spain	39	42	15	39	29	64
Czech Republic	39	16	11	27	27	38
Turkey	15	55	20	28	63	65
United Kingdom	47	31	17	20	46	66
Sweden	67	57	34	36	64	73
Switzerland	53	58	40	39	68	77

Source: ESS.

17.5.2 Volunteering, conventional and unconventional political participation, by country, 2008

	Social participation		Political participation			
	Volunteering	Conventional political participation			Unconventional political participation	
		Turnout most recent parliamentary elections	Turnout most recent European parliamentary elections	Contacting politicians and/or government officials	Signing petitions	Boycotting products
	%					
Belgium ¹⁾	19	89	90	15	28	11
Bulgaria	4	61	39	5	6	3
Cyprus ¹⁾	2	89	59	20	6	6
Denmark	28	87	60	19	34	22
Germany	20	71	43	17	31	31
Estonia	8	62	44	11	8	6
Finland	13	65	40	21	32	30
France	20	60	41	15	34	28
Greece ²⁾	2	71	53	11	4	14
Hungary	6	64	36	9	7	6
Croatia	6	60		7	24	17
Latvia	6	61	54	12	6	5
Netherlands	35	75	37	14	23	9
Norway	29	76		21	38	22
Ukraine	9	62		9	6	1
Poland	6	54	25	7	7	4
Portugal	3	60	37	7	5	3
Romania	7	39	28	11	3	3
Slovenia	17	63	28	11	9	5
Slovakia	7	59	20	7	22	7
Spain	4	76	45	10	17	8
Czech Republic	11	63	28	16	15	7
Turkey ¹⁾	2	57		6	5	7
United Kingdom	15	66	35	17	38	24
Sweden	21	82	46	15	47	37
Switzerland	16	45		12	38	25

Source: ESS; Eurostat (turnout).

¹⁾ Compulsory voting (enforced).

²⁾ Compulsory voting (not enforced).

the turnout rates in Parliamentary elections are rather high in The Netherlands: only in Denmark, Sweden and Norway did more people go to the polls. This is also true for Belgium and Cyprus, where compulsory attendance has been introduced. However, when it comes to other political activities, such as demonstrating, contacting politicians, signing petitions and boycotting products, The Netherlands takes a median position in the European ranking.

17.6 Proxy voting and group voting

In previous paragraphs it has been demonstrated that The Netherlands is not only a high trust country, but many people show their involvement in volunteering, social contacts and in voting. However, election-wise, The Netherlands is a very peculiar case. It is the first country in the OSCE region where the long-standing and widespread application of electronic voting was abandoned. In 2007 paper and pencil voting was re-introduced. Furthermore, proxy voting is a common practice in The Netherlands, whereas in most other countries third-party voting is either severely restricted or outlawed.

Transparency is an issue when it comes to the electronic voting, because it is difficult to verify the actual votes without paper ballots. The OSCE/ODIHR deployed an Election Assessment Mission (EAM) to The Netherlands to observe its 2006 general elections. The EAM's final report was rather critical of (a) the electronic voting; (b) massive use of proxy voting; and (c) political party and campaign funding. The OSCE/ODIHR expressed concerns that the electronic voting was not accompanied with 'Voter Verified Paper Audit Trails' in order to have the possibility to verify the results. In addition, it was recommended to review the system of proxy voting: *'It would be useful to consider a review of the regulation and practice of proxy voting, in order to further enhance a consistency with the principles of the equality and secrecy of the ballot, in line with paragraph 7.4 of the 1990 OSCE Copenhagen Document.'* (OSCE/ODIHR, 2007, p. 27).

The Council of Ministers of the Labour/Christian Democrats/Christian Union coalition decided on 19 May 2008 to abandon electronic voting and reintroduce traditional voting by ballot paper and red pencil. The possibility to vote by proxy – which is used by 12 percent of the electorate (Schmeets, 2009) remained, although it became less flexible as voters had to show a copy of the proxy voters' ID-card. As a result proxy voting fell from 12 percent in 2006 to 8 percent in 2010, which also had an impact on the turnout rate which dropped from 80.4 to 75.4 percent (Schmeets, 2010).

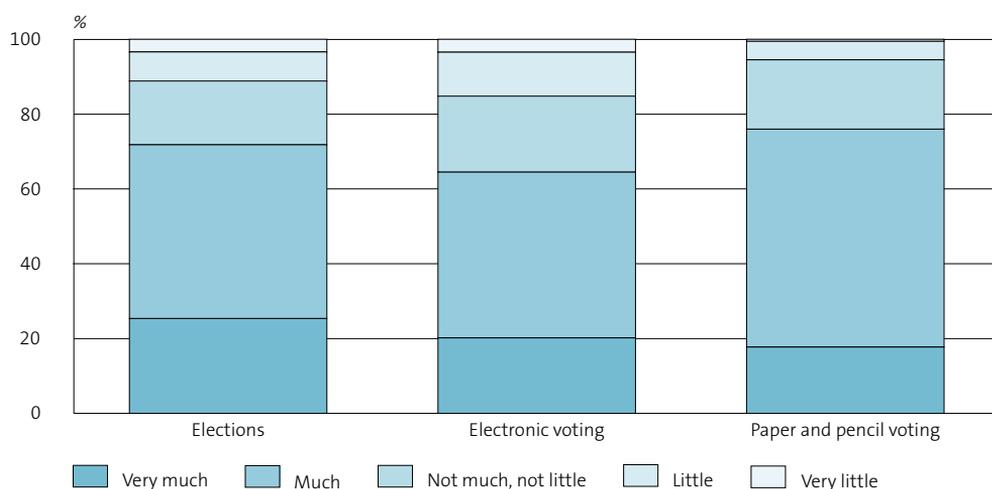
Apart from the high levels of proxy voting, the Dutch voters demonstrate a lot of confidence in the elections and in democracy in general. In 2010, 72 percent of the electorate said to have much or very much confidence in the elections being fair, versus 11 percent who showed little or very little confidence. The other 17 percent took a neutral position. Voters aged 55 and over are substantially more sceptical than younger voters (see graph 17.6.1). In 2006, 75 percent showed trust in the elections, so there is basically no shift in the trust in democracy.

In addition, trust in voting procedures was addressed in the DPES 2006 and 2010. In 2006, 80 percent trusted electronic voting and 75 percent trusted voting by paper

and pencil. In 2010, trust in electronic voting dropped to 63 percent, whereas the trust in paper and pencil voting remained unchanged. If voters had a choice in the voting procedures, 43 percent would opt for electronic voting, 27 percent for paper and pencil, and 29 percent would be unable make a choice between the two options. In 2006, we found the following percentages: 50, 14 and 36. This indicates that, in spite of a shift in the voters' preference in 2010 compared to 2006, the overwhelming majority of voters would want to exercise their franchise electronically.

In addition voters are very firm in their opinion as to proxy voting: a vast majority of 84 percent says that proxy voting should be possible, 9 percent is in favour of abandoning it and 6 percent has no opinion on this issue. Likewise, 91 percent is in favour of voter identification with a passport or an ID-card.

17.6.1. Trust in elections in general, electronic voting and paper and pencil voting in the Netherlands, 2010

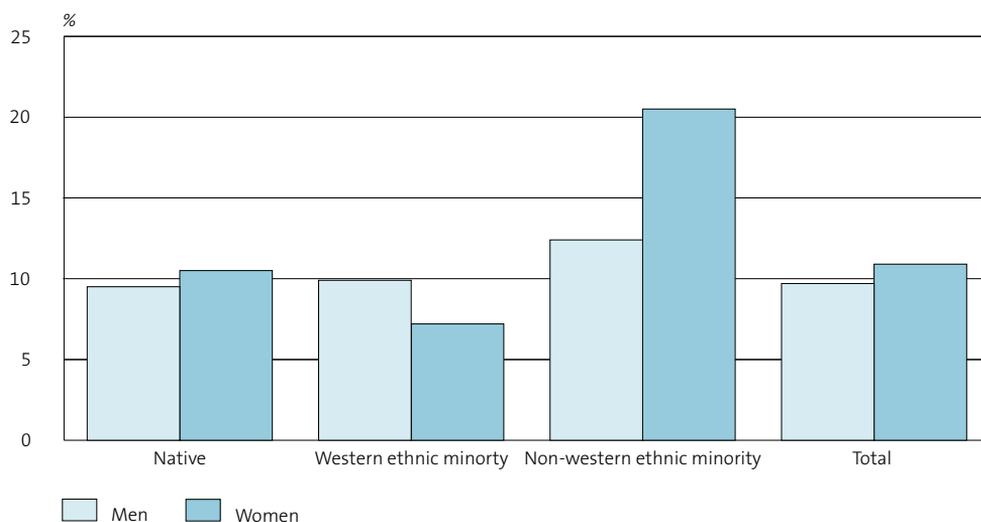


Source: Dutch Parliamentary Election Survey, 2010

The aggregated DPES 2006 and 2010 findings do not show any discrepancies between men's and women's attitudes towards proxy voting. Likewise, no correlation is found with the level of education. However, age does make a difference: 12 percent of young voters aged 18–44 voted by proxy, while 9 percent of the voters aged 45–64 and 7 percent of the voters aged over 65 did so. In addition, the country of origin is an important factor. Among the non-western ethnic minorities proxy voting is substantially more popular (16 percent) than among western ethnic minorities (9 percent) and the native population (10 percent).

Furthermore, non-western male and female voters practiced proxy voting (12 and 21 percent respectively) (graph 17.6.2). In more than half of the cases, the partner of the voter voted by proxy; additionally, the parents, children, neighbours or friends were asked to cast ballot by a proxy.

17.6.2 Proxy voting by country of origin and gender, 2006 and 2010



Source: CBS/SKON DPES

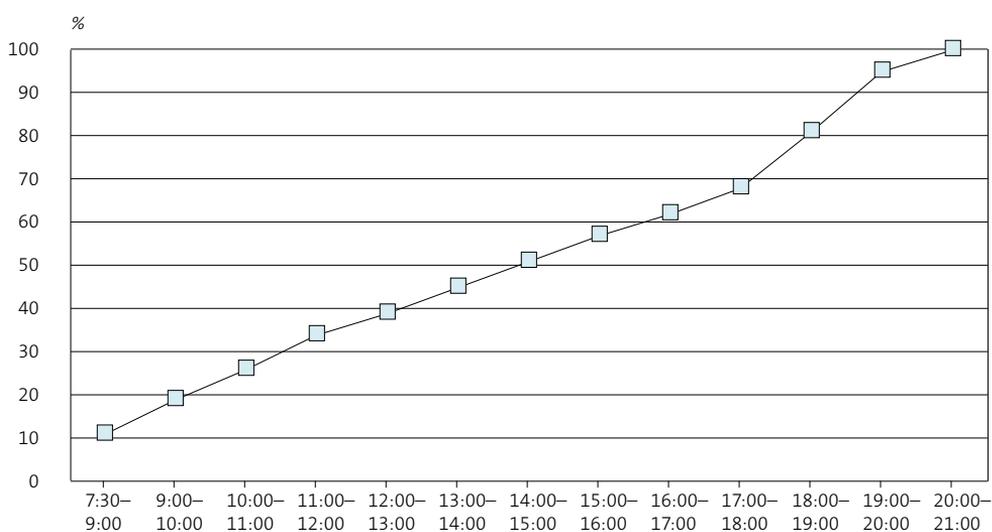
17.7 Voting together

Voting together in the same polling booth – often referred to as ‘group voting’ or ‘family voting’ involving family members – is forbidden in all OSCE Member States, including The Netherlands. However, during the municipal elections of 2010, especially in Rotterdam, it was revealed that ‘voting together’, customarily attributed to many Eastern European countries only was also registered in The Netherlands. One of the explanations was that the reintroduced paper and pencil voting was time-consuming and had caused many problems. This fact resulted in overcrowded polling stations and consequently more voters in one polling booth.

In the DPES 2010 we included a question relating to 'voting together': whether respondents actually witnessed more than one voter at a time inside a polling booth during their stay at the polling station. A total of 50 respondents confirmed they did, which corresponds to 3 percent of the entire electorate and 4 percent of the voters who cast their vote. Is such 'voting together' a widespread phenomenon? In all Dutch regions (the provinces) at least one respondent reported 'voting together'; additionally, 'voting together' was registered in 3 percent of cases in the western and southern parts of The Netherlands, in 4 percent in the north and in 6 percent in the east. Likewise, no clear pattern is revealed when comparing urban and rural areas and no correlations are found with various background characteristics: lower versus higher educated people, income and age groups, gender and marital status. However, 'voting together' was more often witnessed at the end of Election Day, between 19.00 and 21.00 (10 percent) than earlier in the day (3 percent). This leads us to theorise that 'voting together' was more frequently observed when many voters were present inside the polling station (graph 17.7.1). Normally, in early hours of the Election Day there is a steady flow of voters. At 9:00, 11 percent will cast their vote, and after that some 6 to 7 percent every hour. By 18:00, up to 70 percent of the voters will have voted. After this, the number of voters visiting the polling stations will substantially increase. Between 18:00 and 19:00 some 12 percent and between 19:00 and 20:00 some 15 percent of the voters will come in. In the last hour, the remaining 5 percent will vote.

Does 'voting together' have an impact on the voters' political attitude? This is difficult to assess.

17.7.1 Voting during Parliamentary Elections, June 9, 2010



Source: CBS/SKON DPES.

One indication is offered by the voters' confidence in 'fair' elections. Among voters who actually reported 'voting together', 60 percent did show confidence in 'fair' elections, which is substantially lower than 75 percent of the voters who did not witness 'voting together'.

17.8 Conclusions and discussion

This chapter has addressed the developments in social cohesion by introducing a relevant framework. Participation and trust are two dimensions of this framework, and integration has been added as a third dimension. Against the background of a strong feeling of erosion of social cohesion in Dutch society, an overview was presented of the shifts in social cohesion from 1989 (turnout rates), 1997 (social contacts, informal help, volunteering), and 2002 (trust) onwards. However, we found no empirical evidence for the alleged decline in social cohesion in the statistics on participation and trust. Results based on POLS show that rates of social contacts with relatives and friends have increased slightly, while contacts with neighbours have been stable since 1997. The same is true for informal help.

The data based on POLS (since 1997) and LFS (since 2000) show that volunteering has not declined, nor do we have any indication of a downward trend in political participation (e.g. voter turnout) or political activities (DPES).

In addition, social and institutional trust did not decline but increased in the period of 2002–2008 (Kloosterman, 2010a;b; Kloosterman and Schmeets, 2010). So, there is no evidence that The Netherlands has rapidly changed from a high trust to a low trust society. It must be noted, however, that the economic situation has deteriorated since 2008 and we do not know what effect this has had on the trust levels. However, except for the trust in the church, we do not see any deterioration in the trust levels between 2006 and 2010: on the contrary, trust in some institutions, such as in major companies, NATO, army, and civil servants has increased (Te Riele and Schmeets, 2010a). Consequently, we do not expect a shift to a low trust society in the near future. Additionally, The Netherlands is doing very well internationally (Linssen and Schmeets, 2010).

Based on the ESS 2008 of the 27 countries surveyed, The Netherlands comes first in terms of volunteering, and third where social contacts are concerned. The same is true for the various trust indicators. After Denmark, Norway, Finland and Sweden, The Netherlands ranks fifth for social trust, second for trust in Parliament, and third for trust in politicians.

The OSCE has criticised the electronic voting in the Dutch elections of 2006, as well as proxy voting and the lack of insight in campaign funding. The 2010 elections were evaluated by 12 international experts, between 25 May and 12 June, noting the changes

(OSCE/ODIHR, 2010, p. 1): *“The election process has undergone considerable reform since the previous parliamentary elections, held in 2006. ... The decision to cancel electronic voting was a positive and appropriate measure in view of the serious challenges to electronic integrity that were identified in 2006. Moreover the transparent process through which the issue was considered further contributed to maintaining public confidence.”*

The DPES figures seem to confirm the OVSE reference to transparency and maintaining the trust of the electorate. About three quarters of the voters in 2006 and in 2010 trusted the election process much to very much. Trust in political institutions did not waver, not did the trust in paper-pencil voting. Still many voters prefer electronic voting, which is considered easier. The ballots in paper-pencil voting are uncomfortably large, due to the many parties and candidates. The OSCE recommends (OSCE/ODIHR, 2010, p. 24): *“Consideration could be given to reviewing the format of the ballots to make them easier for the voter to identify candidates and for polling officials to conduct the count process”*. The Electoral Council points out certain disadvantages of paper-pencil voting (Bakker, 2011). The election commissions in the polling stations should be larger and be better instructed, the costs are high, counting the vote by hand is very time-consuming, averaging 2.5 hours per polling station. The results are delayed, mistakes in counting and the protocol increase, sometimes necessitating a recount. There were recounts in 15 municipalities in the municipal elections of 2010, including Rotterdam. The Electoral Council is in favour of re-introducing voting computers, which is in line with voter preference.

Proxy voting rules became stricter.⁸⁾ This probably caused the 4 percent drop in proxy voting and the 5 percent drop in voter turnout. Still one in twelve proxy votes is high in the light of international agreements on election standards. It is against the one voter one vote principle – ‘equal suffrage’. However, 84 percent of the electorate is in favour of maintaining the option of proxy voting. The OSCE disagrees and advocates for alternatives (OSCE/ODIHR, 2010, p. 9): *“Consideration should be given to exploring alternative voting methods, for those who are away on Election Day or do further regulating voting by proxy so as to bring legislation more fully in line with OSCE commitments and other international standards for democratic elections.”*⁹⁾

In this chapter we also addressed voting together. According to the international agreements this is not allowed except in very specific circumstances, e.g. when a voter cannot read and write. The DPES results show that about 4 percent of the voters witnessed this happening anyway, mainly during the busiest time at the polling station. Voters stay on average for 5 minutes in the polling station so ‘family voting’ probably occurs on a much wider scale than the reported 4 percent.

⁸⁾ The voter who asks someone else to vote for him or her must sign their voter card. A proxy voter may cast a maximum of 2 proxy votes while casting their own vote and needs to submit a copy of the identification of the person for whom they cast the proxy vote.

⁹⁾ This opinion was confirmed during a conference assessing the elections (Shyrokov, e.a., 2011).

We discussed trends in voter turnout, which again shows stability over two decades. However, in the last parliamentary elections there was a 5 percent drop, and voter turnout in the 2010 municipal elections also fell. This may well be due to the strict regulations on proxy voting, at least in part. In the European elections voter turnout fell by 2 percent, although the provincial elections in 2011 recorded a major increase. No decline in political actions to influence politics was observed. In 2010 some 37 percent reported that they had been involved in some political action in the previous five years, in 2006 this was 36 percent (Schmeets, 2010). The other indicators likewise show no decline in political participation (Schmeets, 2011). There was no decline between the elections in (a) interest in political issues (b) interest in the election campaigns of the political parties; (c) interest in TV debates; and (d) willingness to get involved in actions against poor political decisions. So, despite the recent concerns about polarisation we observed stability all around.

17.9 Literature

Aarts, K., Van der Kolk, H. and M. Rosema (2007). *Een verdeeld electoraat. De Tweede Kamerverkiezingen van 2006*. Utrecht: Spectrum.

Alesina, A. and E. la Ferrara (2002). Who trusts others? *Journal of Public Economics*, 85, 207–234.

Arts, K. and S. te Riele (2010). Vrijwilligerswerk. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 53–70.

Australian Bureau of Statistics (2004). *Measuring social capital. An Australian framework and indicators*. Canberra: ABS.

Beauvais, C. and J. Jenson (2002). *Social cohesion: Updating the state of the research*. Ottawa: Canadian Policy Research Networks.

Bakker, M. (2011). The history of the Electoral Council. In: Schmeets (ed.), *International election observation and assessment of elections*. The Hague/Heerlen: Statistics Netherlands, 240–249.

Becker, P. E. and P. H. Dinghra (2001). Religious involvement and volunteering: Implications for civil society. *Sociology of Religion* 62(3), 315–35.

Bekkers, R. and T.N.M. Schuyt (2008). And who is your neighbour? Explaining denominational differences in charitable giving and volunteering in the Netherlands. *Review of Religious Research*, 50(1), 74–96.

Berger-Schmitt, R. (2002). Considering social cohesion in quality of life assessments: Concept and measurement. *Social Indicators Research*, 58, 403–428.

Bernard, P. (1999). *Social cohesion: A critique*. Ottawa: Canadian Policy Research Networks.

Botterman, S. and M. Hooghe (2010). The Relation between Religion and Civic Engagement. A Comparative Analysis of the Impact of Religious Competition in Belgium and The Netherlands (1996–2006). Paper presented at the Dutch-Belgian Political Science Conference, Leuven, 27–28 May 2010.

Bourdieu, P. (1986). The forms of capital. In: J. Richardson (eds.), *Handbook of theory and research for the sociology of education*. New York: Greenwood Press.

Coleman, J. S. (1988). Social capital in the creation of human capital. *American Journal of Sociology*, 94, 94–120.

Coleman, J.S. (1990). *Foundations of social theory*. Cambridge, Mass.: Belknap Press.

Coté, S. and T. Healy (2001). *The well-being of nations. The role of human and social capital*. Paris: Organisation for Economic Co-operation and Development..

Coumans, M. (2010). Sociale contacten met familie, vrienden en buren. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 17–30.

Coutts, A., Ramos Pinto, P., Cave, B. and I. Kawachi (2007). *Social capital indicators in the UK*. London: Commission for Racial Equality.

De Hart, J. (2008). Religieuze groepen en sociale cohesie. In: Schnabel, P., Bijl, R. en J. de Hart (eds.) *Sociaal en Cultureel Rapport 2008. Betrekkelijke betrokkenheid*, Den Haag: SCP, 389–418.

De Hart, J., Knol, F., Maas-de Waal, C. and T. Roes (2002). *Zekere banden: Sociale cohesie, leefbaarheid en veiligheid*. Den Haag: SCP.

Durkheim, E. (1912/1965). *The Elementary Forms of Religious Lives*. Translated by J.W. Swain. New York: Free Press.

- Eliasoph, L. (1998). *Avoiding politics: How Americans produce apathy in everyday life*. Cambridge: University Press.
- Greeley, A. (1997). Coleman revisited: Religious structures as a source of social capital. *American Behavioral Scientist* 40, 587–94.
- Harper, R. and M. Kelly (2003). *Measuring social capital in the United Kingdom*. London: Office for National Statistics.
- Hudson, J. (2006). Institutional trust and subjective well-being across the EU. *Kyklos*, (59)1, 43–62.
- Iisakka, L. (ed.) (2006). *Social Capital in Finland. Statistical Review*. Helsinki: Statistics Finland.
- Jeannotte, S. (2000). *Social cohesion around the world: An international comparison of definitions and issues*. Hull: Strategic Research and Analysis Directorate.
- Kloosterman, R. (2010a). Sociaal vertrouwen. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 83–94.
- Kloosterman, R. (2010b). Institutioneel vertrouwen. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 95–106.
- Kloosterman, R. and H. Schmeets (2010a). Vertrouwen in instituties en medemens toegenomen aan het begin van de 21^e eeuw. *Bevolkingstrends* 58(2), 43–49.
- Kloosterman, R. and H. Schmeets (2010b). Participatie en vertrouwen. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 107–109.
- Lam, P.-Y. (2002). As the flocks gather: How religion affects voluntary association participation. *Journal for the Scientific Study of Religion*, 41(3), 405–22.
- Lam, P.-Y. (2006). Religion and civic culture: A cross-national study of voluntary association membership. *Journal for the Scientific Study of Religion*, 45(2), 177–93.
- Linssen, R. and H. Schmeets (2010). Participatie en vertrouwen in Europa. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 135–151.

Meurs, P. (2008). Sociaal vertrouwen: een kwestie van durf. In: SER/Verwey Jonker Instituut, *Sociaal Vertrouwen. Eerste Verwey-Jonker/SER lezing, 3 september 2008*, 9–24.

Ministerie van Economische Zaken (2009). Brief van 8 december 2009 betreffende 'Adviesaanvraag over het sociaal-economische beleid op middellange termijn' aan Sociaal-Economische Raad, kenmerk EP/AEP/9204765.

Public Research Initiative (2005). *Measurement of Social Capital: Reference document for public policy research, development, and evaluation*. Ottawa: PRI.

Putnam, R. (1995). Tuning in, turning out: the strange disappearance of social capital in America. *Political Science and Politics*, (28), 664–683.

Putnam, R. D. (2000). *Bowling alone: The collapse and revival of American community*. New York: Simon & Schuster.

Putnam, R., R. Leonardi and R.Y. Nanetti (1993). *Making democracy work*. New Jersey, Princeton: Princeton University Press.

Reeskens, T. and M. Hooghe (2007). The cross-cultural measurement equivalence of generalized trust in the ESS. *Social Indicators Research* (85), 515–532.

Ruiter, S. and N.D. de Graaf (2006). National context, religiosity and volunteering: Results from 53 countries. *American Sociological Review* 71(2), 191–210.

Shyrovkov, V., Peski, C., van, Hollanders, L., Hoogenboezem, J., Kilian, M., Linssen, R., Mannfeld, D., Schneider N. and Hans Schmeets. Summary of the Discussion (2011). In: Schmeets (ed.), *International election observation and assessment of elections*. The Hague/Heerlen: Statistics Netherlands, 250–259.

Schmeets, H. (2008a). *Speerpunt Sociale samenhang. Projectbrief*. Heerlen/Voorburg: CBS.

Schmeets, H. (2008b). Meer contacten, meer vertrouwen. In: Beckers, I., Bie, R., van der Goede, W., Janissen, E. and W. van Nunspeet (eds.), *De Nederlandse Samenleving 2008*. Den Haag/Heerlen: CBS, 71–78.

Schmeets, H. (2009). *Vertrouwen in onderzoek naar verkiezingen. Enkele opmerkingen over kiezersonderzoek en het beoordelen van verkiezingen*. Inaugurale rede. Maastricht: Maastricht University.

- Schmeets, H. and M. Coumans (2009). Religie en vertrouwen. In: Schmeets, H. and R. van der Bie (eds.) *Religie aan het begin van de 21^{ste} eeuw*. Den Haag/Heerlen: CBS, 109–115.
- Schmeets, H. and S. te Riele (2009). Religie in het perspectief van Sociale Samenhang. In: Schmeets, H. and R. van der Bie (eds.) *Religie aan het begin van de 21^{ste} eeuw*. Den Haag/Heerlen: CBS, 7–11.
- Schmeets, H. (2010a). Het belang van de religieuze binding in sociale statistieken. *Tijdschrift voor Religie, Recht en Beleid*, 1(3), 29–41.
- Schmeets, H. (2010b). *The Impact of Religion on Social Cohesion in the Netherlands*. Paper presented at the Dutch-Belgian Political Science Conference, Leuven, 27–28 May 2010.
- Schmeets, H. (2010c). Religie en sociale samenhang. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 165–182.
- Schmeets, H. (2010d). Politieke participatie. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 71–79.
- Schmeets, H. (2010e). (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS.
- Schmeets, H. (2011). (ed.) Verkiezingen: opkomst en oordeel. In: *Verkiezingen: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 180–196.
- SER (2009). Toespraak van A.H.G. Rinnooy Kan, voorzitter SER, tijdens de Algemene ledenvergadering van de Vereniging van Bedrijfstakpensioenfondsen, 11 mei 2009, Kurhaus, Scheveningen.
- Spellerberg, A. (2001). *Framework for the Measurement of Social Capital in New Zealand*. Wellington: Statistics New Zealand.
- Te Riele, S. and A. Roest (2009). *Sociale Samenhang: Raamwerk en Lacunes in de Informatievoorziening*. CBS-rapport SAH-2009-H2, Den Haag/Heerlen: CBS.
- Te Riele, S. and H. Schmeets (2009). *Social Cohesion and Social Capital at Statistics Netherlands*. Paper presented at the European Survey Research Association-conference, July, 3, Warsaw.

Te Riele, S. and H. Schmeets (2010a). Hoogopgeleiden meer vertrouwen in politiek en instituties. In: Bie, R., van der, Van Galen, R., Goede, W., de, Janissen, E. and N. Kooiman (eds.) *De Nederlandse samenleving 2010*. Den Haag/Heerlen: CBS, 175–184.

Te Riele, S. and H. Schmeets (2010b). Integratie van allochtonen. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 153–164.

Uslaner, E. M. (2002). Religion and civic engagement in Canada and the United States. *Journal for the Scientific Study of Religion* 41(2), 239–54.

Van der Houwen (2010). Informele hulp en mantelzorg. In: Schmeets, H. (ed.) *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 31–40.

Van der Meer, T. (2009). *States of freely associating citizens: comparative studies into the impact of state institutions on social, civic and political participation*. ICS-dissertatie. Nijmegen: Radboud Universiteit Nijmegen.

Wilson, J. and T. Janoski (1995). The contribution of religion to volunteer. *Sociology of Religion* 56(2), 137–52.

Electronic voting in The Netherlands

18

Electronic voting in The Netherlands

18.1 1966–2006: Prelude

18.2 2006–2011: the end of electronic voting in The Netherlands

18.3 Conclusions

18.4 Literature

18 Electronic voting in The Netherlands

Herman Ruddijs

18.1 1966–2006: Prelude

The first Electronic Voting Machine (made in U.S.A.) was introduced in the Netherlands in 1966 and was used in 13 out of the then 900 municipalities. The election with the American-made machines, adapted to the Dutch situation, turned out to have major technical and operational problems. Nevertheless, a few years later the first Dutch electronic voting system was developed.

The Dutch Election Law at the time was designed to regulate both paper and electronic voting. The electronic voting machine (EVM) had to meet specific requirements mainly to ensure the operational reliability of the machine during the voting process. Any new voting machine had to be certified by having a prototype tested by a state-appointed independent certifying body. Once the prototype passed the certification, the vendor could reproduce voting systems based on the prototype.

Only two vendors have been operated on the Dutch election market since 1993. These were the formerly state-owned company Sdu and the multinational Nedap. By law, the choice to use voting machines, and if so, which type of voting machine, was the responsibility of the municipality. So, the two highly competitive companies operated in a small playing field of 500 municipalities covering 9,000 polling stations. Until 2006 there was a great public confidence in the election administration and in the electronic voting machines.

In March 2006, Amsterdam which was the last major Dutch paper and pencil voting municipality, switched to electronic voting, having procured 960 voting machines for its 480 polling stations. By mid 2006, 98 percent of the Dutch municipalities were using EVMs. Besides voting within The Netherlands, the Dutch voters living abroad were able to vote online in the 2004 and 2006 elections.

18.2 2006–2011: The end of electronic voting in The Netherlands

In July 2006, shortly after the local elections in March, a new citizen's group "We do not trust voting computers" started to scrutinize the electronic voting systems. The group demonstrated that one machine could be tampered with, while the other machine could be accessed by using a scanner, which compromised the secrecy of the vote.

Only 6 weeks before the 2006 parliamentary elections, this situation led to a ministerial decree ordering the withdrawal of 1,150 Sdu's and 11 Nedap's EVMs, forcing 22 municipalities to switch to paper and pencil voting (OSCE/ODIHR, 2007).

Despite the negative publicity about electronic voting, the 2006 Dutch Parliamentary Election Study (DPES) showed that 80 percent of the voters still had confidence in electronic voting, while 75 percent had confidence in paper voting (Schmeets and Aarts, 2008).

A commission was established to analyse and review the history of electronic voting followed by another commission to advise on improvements and the future of elections through electronic voting

The first commission concluded that the legislative regulation of electronic voting did not provide for sufficient requirements for physical protection, storage and transportation of EVMs. It also lacked measures to prevent the so-called 'TEMPEST', which is the detection of voting information sent through electromagnetic radiation from the voting device during the voting process.

Beside these shortcomings, the certification process itself was found to be insufficiently transparent. It did not cover all system components involved in the election process, such as the programming and tabulation software used to set up the EVMs and to calculate the election results. Based on these findings, the commission advised to tighten the EVM regulations to cover every single component involved in the election process (Hermans, et al, 2007).

The second commission concluded that the Dutch EVMs were insufficiently transparent and verifiable. As such, they did not offer the required guarantees for flawless and correct operation. The commission's advice was to do a feasibility study to develop two voting devices. One would serve as a vote printer that could print voting ballots readable by

humans while the second – as an electronic vote box – counting the printed voting ballots. Such arrangement would provide for an optimal transparency, verifiability and secrecy of the vote as long as the printer could not be remotely scanned when printing a completed ballot (Korthals Altes, et al., 2007).

In October 2007, these conclusions lead the Minister of the Interior to withdraw the EVM regulation. This ended the use of voting machines in The Netherlands. The June 2009 elections for the European Parliament were the first in almost 40 years in which the Dutch electorate voted once again with a paper ballot and red pencil. In 2010, mayors pleaded for the return of EVMs. Also 63 percent of the Dutch voters still had confidence in electronic voting, according to the DPES 2010 conducted before the 2010 parliamentary elections (Schmeets, 2010). The 2010 municipal and 2011 regional elections were also conducted using a paper ballot and pencil system.

18.3 Conclusions

- Election legislation needs to be regularly reviewed and updated to understand the latest technologies that facilitate and at the same time pose a threat to electronic voting.
- Government and/or the election administration should be in charge and responsible for the certification and implementation of electronic voting, not the vendor(s).
- The level of public confidence is not a indicator for the quality of the implemented voting systems.

18.4 Literature

Hermans, L.M.L.H. and M.J.W. van Twist (2007). *“Stemmachines, een verweesd dossier”*, report by the Commission for the decision-making process on voting machines, April 2007. The Hague: Dutch Ministry of the Interior.

Korthals Altes, F., Barendrecht, J.M., Bijleveld-Schouten, A.Th.B, Jacobs, B.P.F., Jager, J.C, de, and M.J.C. van der Wel (2007). *“Stemmen met vertrouwen”*, report by the Advisory commission on the election process, September 2007. The Hague: Dutch Ministry of the Interior.

OSCE/ODIHR (2007). *Election Assessment Mission Report on November 2006 Parliamentary Elections, 2006 in the Netherlands, March 12, 2007*. Warsaw: OSCE/ODIHR.

Schmeets, H. (2010). Politieke participatie. In: Schmeets, H. (ed.), *Sociale Samenhang: Participatie, Vertrouwen en Integratie*. Den Haag/Heerlen: CBS, 71–79.

Schmeets, H. and K. Aarts (2008). De kiezer en de stemprocedures. In: Schmeets, H. and R. van der Bie (eds.), *Het Nationaal Kiezersonderzoek 2006. Opzet, uitvoering en resultaten*. Den Haag/Heerlen: CBS, 109–117.

19

The Dutch Electoral Council

19 The Dutch Electoral Council

Melle Bakker

The Dutch Electoral Council is the central electoral committee for the elections of the Dutch Lower and Upper House and of the European Parliament. It is an independent government body with an official advisory function and a Knowledge and Information Centre for local government officials, political parties, the media and the public.

In the position of Secretary-Director of the Dutch Electoral Council, I want to discuss the evaluation of the 2010 parliamentary elections (Lower House) by the Dutch Electoral Council. In its report the Council also commented on some of the most critical findings of the OSCE/ODIHR Election Assessment Mission (EAM).

First of all, the EAM is – and has been in the past – critical over ‘*proxy voting*’ in The Netherlands: a threat to the secrecy of the vote and danger of family voting or intimidation. Dutch politics do not share this criticism, neither does the Electoral Council. Anyone wanting to vote by proxy will not lightly select the person who actually votes, but will look for someone he or she trusts completely. Proxy voters consider the secrecy of the vote to be less important than the alternative: not voting at all. Obviously there is a choice here.

Proxy voting is an easy way of casting one’s vote if one is not able to do that in person on Election Day. The easiest way does not require any government interference. Proxy voting (about 10–12%) raises the turnout, and a higher turnout means higher democratic legitimacy.

Proxy voting has been criticised in The Netherlands in the past – when there were cases of fraud. But the legislation has been changed so that:

- proxy voting now requires the voter’s authorization on the voter card;
- the voter can cast no more than two proxy votes;
- the voter can only cast the proxy vote(s) when casting his or her own vote; and
- the voter must produce a copy of an ID of the person(s) for whom the proxy vote is cast.

Of course the possibility of family voting or intimidation is not eliminated by these legal safeguards, but Dutch politics prefer to deal with this in other ways, for example, through media campaigns and emancipation.

The second point of criticism of the EAM is that there are *limited possibilities for legal appeal* regarding some decisions in the Dutch election process. This is true. There are possibilities for appeal, e.g. regarding registration of voters and party names, the validity

of party lists and candidates, but at present it is, for example, not possible to appeal to a court regarding the actual election results determined by the Electoral Council. The decisions of the Electoral Council are of course supervised, but this is done by the body for which the elections are held: the Upper or Lower House of the Dutch Parliament. At the local level this is done in a comparable way.

Regarding the Parliament, there is a Constitutional Bar for introducing the possibility of appeal regarding election results as per Article 58: “Each House investigates whether the elected candidates can be admitted as members and decides upon election disputes”. At present, this is hardly on the political agenda. Following the recount of votes in 42 electoral districts of the province of Flevoland the question was raised whether or not it was appropriate that a political body decided about the final election results determined by an independent body. Those were discussions at the provincial level and they never reached the national political arena. This does not mean that things will never change. OSCE/ODIHR and others will keep this point on the agenda and in doing so it will be more and more difficult to ignore.

The third point of EAM's criticism is the *absence of transparency of party finance* in The Netherlands. This is also a point that has been raised before, especially at the international level and not only by OSCE/ODIHR. This issue has been discussed by a succession of Dutch Cabinets. None of the many proposals for legislation has reached the Parliament though. In all these years many things have been discussed, modified and changed back, all according to political preferences, but one thing did not change: the supervisory role of the independent Dutch Electoral Council. It is of interest that the present Minister for the Interior and Kingdom Relations, Mr. Piet-Hein Donner, recently stated that he will propose new legislation soon¹⁾.

The fourth point of criticism of the EAM is the *absence of one central authority supervising elections*. This is a valid remark. Officially, there is no such authority. There is a Minister for the Interior, politically responsible for the execution of the Election Law. Then, there are the elected bodies themselves and there is the Electoral Council. These are different bodies, with different responsibilities and views. The previous Cabinet introduced a bill, in which the Minister for the Interior was given a central coordinating role regarding elections, but it was never sent to the Parliament because of fierce criticism from the advisory bodies: the Electoral Council, Local Government Association and the Council of State.

The EAM also criticised the fact that there is *hardly any verification of candidates before elections*, meaning, for example, that some candidates accepted on the lists are too young to become a member, if elected²⁾. Also, some candidates are accepted on the lists knowing

¹⁾ He has. The Bill was sent to the Parliament in May 2011. Interesting but also disappointing is that the Minister has put himself in the supervisory role instead of the independent Electoral Council.

²⁾ They have to reach the age of 18 at some time during the four-year term of the elected body.

in advance that they are not going to accept the nomination. The EAM considered this as a deception of the electorate.

In the Dutch system the situation at the start of the new term of the elected body is decisive. One has to be 18 years of age by then, and an elected candidate can no longer hold a job that is considered incompatible with the membership of the specific elected body. At present, there is no tendency to change the legislation. Each time politicians on the national scale are put on the lists for the local elections there is some discussion, but at the end of the day it is all accepted.

There were, of course, also positive remarks in the EAM report of which two are worth a mention:

1. The elections to the Lower House of Parliament were conducted in the context of a high level of confidence in the election administration. The pluralistic political and electoral system provided voters with a broad choice among diverse political options. Overall, the largely unregulated campaign and media environment gave political parties ample opportunity to communicate their views to voters. Voter turnout was registered at 75.4 percent.
2. Due to concerns raised during the elections over the risks to integrity and secrecy of the vote posed by the use of electronic voting machines, a thorough review process was undertaken to establish what measures should be taken to preserve public confidence. The review resulted in the withdrawal of regulations permitting the use of electronic voting machines. The decision to cancel electronic voting was a positive and appropriate measure in view of the serious challenges to electoral integrity that were identified in 2006. Moreover, the transparent process through which the issue was considered further contributed to maintaining public confidence.

It is worth emphasising that the election administration in The Netherlands indeed enjoys a high level of confidence, although there is a noticeable increase in the number of official recounts during local elections. In 2010, 15 local communities conducted recounts, including Rotterdam. In 2011, there was a vote recount during the provincial elections in Flevoland.

I believe that there is a direct relationship between the recent increase in recounts and the counting process since 2006. Until that year, electronic voting machines had been in use and the results were instantly displayed by a simple push of the button. That year, Dutch politics decided that electronic voting machines could no longer be trusted. So, since then ballot papers are used and votes are counted manually.

Analyzing the elections since 2006 I question the positive tone of the EAM report regarding the return of paper ballots and manual counting. I would like to emphasize some negative aspects:

- more polling station staff are needed;
- more extensive selection and training of staff;
- higher costs;
- counting about 800 large ballots by hand takes on average about 2 fh hours after the polling stations close;
- in combination with long opening hours – 7.30–21.00 – this leads to (very) late results;
- mistakes are made while counting by hand and filling in the reports for each polling station;
- recounts are frequent.

Although these aspects are all equally relevant in my opinion, there is a reason for concern especially over the increased possibility of mistakes when counting votes by hand. How serious is this? All the recounts conducted in 2010 and 2011 showed different numbers of votes for parties and candidates. The recount of the votes in 42 polling stations in Flevoland showed differences in the number of votes for all 12 parties, varying from –12 to +25. In Rotterdam a different candidate was actually even appointed after the recount. Checking the reports of about 1,800 polling stations by the Dutch Electoral Council during the 2010 Second Chamber elections revealed about the same number of mistakes.

There are about 10,000 polling stations in The Netherlands, so there is a reason for concern in the national elections. The Electoral Council is in favour of introducing electronic voting, so that only the right people take their rightful place in the elected bodies. And isn't that in everyone's interest!?

20

Summary of the discussion

20.1 Different observer organisations

20.2 The politicisation of observation

20.3 The quality of observation

20.4 E-voting and proxy voting

20 Summary of the discussion

Valery Shyrokov, Caecilia van Peski, Lidwien Hollanders, Jaap Hoogenboezem, Manual Kilian, Rik Linssen, Daniel Mannfeld, Ninja Schneider and Hans Schmeets

20.1 Different observer organisations

Having outlined and discussed a number of issues related to election observation missions and elections in general, the participants of the Expert Meeting reflected on possible solutions and worked out several recommendations.

Concerning tensions between different observer organisations, criteria applied in election observation missions, and the implementation of recommendations, Armin Rabitsch noted that it was essential that OSCE participating States addressed problems directly in the OSCE Permanent Council. Although “these problems are at times rather problems related to individual people”, the Permanent Council could still be an important arena to discuss topical issues in a constructive way.

In a similar vein, Gerald Mitchell laid emphasis on the political power of the country holding the OSCE Chairmanship to address problems and discuss possible solutions. He took the OSCE Spanish Chairmanship of 2007–2008 as an example, where “the Political Director of the Spanish Foreign Ministry came up with a list of additional points that could complement the existing cooperation agreement, helping to navigate these difficulties better”. He welcomed this action and hoped to see the initiative taken up by the current OSCE Chairmanship. Although there was no cooperation to push the Spanish initiatives forward, this practice remains “very helpful to open another window to influence the process”. Bruce George, however, noted that several countries tried to push through different initiatives but failed “because the Parliamentary Assembly is not in a negotiating mood”. This made it difficult to achieve meaningful results.

Goran Petrov called attention to the duration of the mission of short-term observers. Many come just before the Election Day and stay in the country for a very short time. In order to promote observers’ integration in an EOM, different observer and partner organisations should be encouraged to share their internal summaries and findings. Bruce George added that “while many delegation members come in the day before, the

OSCE Parliamentary Assembly as well as the serious members arrive three to four days before. Thus, the OSCE Parliamentary Assembly, to prove its legitimacy and superiority, will give the necessary information to the observers beforehand and consequently assures the appropriate preparation of the short-term observers”.

Generally speaking, a tendency towards more information sharing has become readily noticeable. Armin Rabitsch explained that long-term observer summary reports were provided to the OSCE PA granting “the opportunity to read the reports of the individual ODIHR long-term observer teams”.

Discussing information sharing while working on the preliminary statement, Bruce George said that “the whole process of negotiating the content of preliminary statements should be televised and be sent to each of the governments and parliaments so they could see what their representatives do, because the process of negotiating is all hidden”. Putting the negotiation process on TV is particularly important for revealing and strengthening the role of the OSCE Parliamentary Assembly and ODIHR in such negotiations.

20.2 The politicisation of observation

Franck Daeschler dwelt on the issue of politicisation of election observation. “Asking politicians not to look at an election through a political prism is simply not possible”. He underlined that technical and parliamentary observation missions are complementary. “The Council of Europe is very much aware of the problem and can handle it. But sometimes nobody is really accountable and no one has the authority to solve these problems”. While it might be impossible to fully ‘depoliticise’ elections, dealing with politicisation wherever possible should follow the guidelines adopted by the Parliamentary Assembly. “The guidelines underline the Council of Europe values and standards and are regularly amended and improved based on experience, starting with simple provisions such as the prohibition to go public until the preliminary statement is officially issued, or ensuring a geographical balance among the delegation members. The Parliamentary Assembly also ensures a political balance of its delegations between the five political groups that make up the PACE most of the time, based on the D’Hondt system”. Usually, PACE sends a pre-electoral mission approximately one month ahead of the E-day, composed of one representative of each political group. Moreover, the guidelines guarantee a rotation of chairmanships of EOMs among the political groups to ensure a political balance over a 12-month period.

Mixing election observation teams according to Franck Daeschler is important: “We try as much as possible to mix nationalities, East and West (the country factor), the political

group, gender and experience”. Jaap Hoogenboezem asked if this practice implied accepting the problem of politicisation and trying to work around it, which Frank Daeschler confirmed. “In essence, this practice of compensation means being aware of a possible conflict and dealing with it”.

Linked to the issue of politicisation, Liesbeth van Soest expressed her concerns about the fact that some OSCE Member States, for instance the Commonwealth of Independent States or Canada, run their own observation missions independently from the OSCE. She regarded this to be even more politicising than including politicians in the missions, as it produced an impression that these states would not trust their own people in the OSCE missions. Moreover, these independent missions publish statements which are different from the statements formulated by the OSCE. This poses a problem in the view of Liesbeth van Soest, because one country may then support two different evaluations. This is difficult to understand, so she raised the question whether it was possible to avoid such duplicated observations by different organisations. However, a number of participants did not believe this issue posed a problem.

Armin Rabitsch and Caecilia van Peski responded that it added to the diversity and plurality of international election observation and was therefore to be seen as a positive development, also with regard to the “democracy of observation”. Armin Rabitsch drew attention to the fact that despite the objective to speak with one strong voice for international observers other groups also undertake election observation missions. The OSCE has no possibility to “monopolise” the field and it cannot and should not attempt to keep other organisations from being active in election observation. In his opinion, “whoever has the experience, the right methodology and the funding should do it” albeit strictly adhering to the code of conduct for international election observers, notably that an observer shall be a part of only one election observation mission. However, it was pointed out that the CIS states are members of the OSCE and it is confusing if MPs from the OSCE Parliamentary Assembly make part of the CIS observer teams.

Hans Schmeets then elaborated on the differences in observation methodology between the OSCE and other organisations. Grouping observers in teams of five or even ten, which is a common practice in the CIS election observation missions, is very different from the two-person-team approach of the OSCE. In addition, not all election observation missions make use of standard observer report forms. These methodological differences might explain the diverging statements these organisations publish after the elections. The difference in the quality of observation should be recognised, especially by the local and international mass media.

Bruce George strongly agreed with Liesbeth van Soest’s remark that different observation missions posed a problem for the OSCE. “The Canadians are not observers, they are cheerleaders. You have to distinguish between the serious observers who are accredited

locally, nationally, and internationally, and those who come along for the excitement. The problem is you cannot have all these people going into polling stations and filling the space and along comes a genuine observer team and they find it hard to observe because the place is crowded with observers who are not observing”, he said.

20.3 The quality of observation

Following Jaap Hoogenboezem’s question as to what could be done to improve training of the long-term and short-term observers, Armin Rabitsch explained that ODIHR had been developing an e-learning platform to allow future observers to train themselves and get informed about elections, observation methodology including observation forms as well as security issues. According to him, it is essential that future observers go through this training before they arrive on a mission due to time constraints to train beginners on the spot. Susan Hyde shared her own experiences with the e-learning programme which she had to go through to comply with the requirements for the US observers: “It was not particularly difficult but I did have to show that I knew something about the region I was deployed in and about election observation in general. I thought it was worthwhile”.

Caecilia van Peski agreed that e-learning can be very useful, since there are many good, free and easily accessible internet courses for future observers. Nevertheless, “you are shown pictures of land mines but that does not help you to detect them”, she added. “E-learning cannot substitute live interaction with a partner or a specific ‘real life’ context”. With relation to the observer deployment, Armin Rabitsch noted that earlier or prolonged deployments would be more conducive to the nature of election observation, but limited resources remained an issue. “So, either you have prolonged deployments with fewer missions, or you are as often in the field as required but with the current deployment length”, he said. In response, Susan Hyde made a suggestion on how to improve the quality of observation without allocating additional resources: “Many states and organisations are very competitive. Therefore, a simple announcement on who is doing best in terms of compliance – doing the very basics and filling out the forms – could increase compliance”.

Turning towards the issue of evaluating the performance of observers, Susan Hyde asked whether a mechanism could be put in place to exclude ‘truly terrible’ observers from future OSCE missions. Onno van der Wind, an experienced short-term observer, explained the current evaluation mechanism: “If you see an observer misbehaving during the mission, you, as a short-term observer, can only inform the Head of Mission who then has to write a report to ODIHR which then forwards it to the embassy of the respective country. So, you cannot be sure if the letter will ever reach the authorities”. According to

Caecilia van Peski the mechanism is less effective because some observers enjoy certain immunity thanks to their connections and networking. The recruiters cannot refuse such individuals as who would be in a position to exclude a former Head of Mission or a former member of parliament? Susan Hyde proposed making a list of persistent offenders which could be consulted upon every time observers are nominated. According to Hans Schmeets the available database contains information on the performance of some 20,000 observers, e.g. the number of polling stations visited and time spent in each polling station. So, creating such an institutional memory would not be too time-consuming.

In response, Goran Petrov and Liesbeth van Soest remarked that 'blacklisting' would require a formal hearing process to be institutionalised, as the statistical approach alone would not be sufficient to treat the alleged 'bad' observers fairly. Caecilia van Peski agreed, referring to her own mission experience where she once visited only two polling stations on a particular day because her team was snowed in. Situations like this show that an observer can have bad statistics without being a truly 'bad' observer. In addition, she expressed concerns about 'blacklisting' as it would be convenient for people who are competing for the same jobs in the core team to blacklist each other in attempt to downgrade their professional rivals.

Taking this remark into account, Susan Hyde proposed to create a country-based list rather than the one based on individual performance. "Nations tend to respond badly if they are at the bottom of any lists and they will be motivated to self-police and make sure that their observers will behave better".

Armin Rabitsch expressed doubts on whether the creation of an evaluation data base would at all be possible for ODIHR, an organisation including 56 Member States. As every state has its own mechanisms for selecting observers – the Ministry of Foreign Affairs, specialised agencies and so forth – the selection process is much more decentralised compared to the EU and ODIHR has to accept in general the seconded observers. For example, for EU observation missions EU Member States only propose a shortlist of observers but it is then the European Commission who actually selects them based on their qualifications and Commission's requirements. Therefore, it might be possible for the EU to create a 'black' list of unprofessional or incompetent observers, but this is currently not possible for ODIHR. However, Armin Rabitsch pointed out that if ODIHR observers breach the Code of Conduct they are sent home early and participating States are informed accordingly.

Caecilia van Peski was convinced that the only solution was a better evaluation system. She advocated a portfolio model, where observers can build up their own portfolios based on their performance in observation missions, e.g. through peer reviews. "I think if people are not doing their job well, they will drop out automatically. This is a rather time-consuming but a very fair mechanism", she said.

However, Armin Rabitsch passed a remark that ODIHR is in a rather different position from the EU as outlined before and that ODIHR does not finance its own observers, but generally

needs to accept whoever is sent as an observer by the OSCE participating States. This makes the selection approach more difficult and only informally can ODIHR approach participating States and make them aware of possible negative performance of their seconded observers. In response to Caecilia van Peski's comment, Armin Rabitsch continued that if an evaluation results in a decision to exclude this kind of observers then these individuals need to have the right to appeal.

Jaap Hoogenboezem asked about the number of cases of 'bad' observers in observation missions. Dame Audrey Glover, former Director of ODIHR, responded that there were actually very few – about one in every other mission. She agreed that these observers cause problems, but she explained that ODIHR knows quite well who the good and the bad observers are. "If the ODIHR can informally talk to the head of delegation of the country in Vienna or even to the Foreign Ministry of the country concerned, you could save yourself a lot of time with difficult evaluation processes", she said.

20.4 E-voting and proxy voting

In the discussion of e-voting Susan Hyde traced the problem of observing electronic voting to voter confidence. "You can devise a perfect system by which electronic voting can take place, a perfect system to observe the electronic voting . . . but convincing the public that you know how to observe electronic voting when trust in e-voting is low, is very difficult", she said. Herman Ruddijs, agreed, saying the more people trust their government, the less transparency is needed. However, there is no reliable test by which one can measure trust before the election observation, and which would allow accepting an e-voting system on the grounds that people trust their government. Susan Hyde confirmed this dilemma. "The problem is not the system, not the technical aspect of electronic voting, the problem is that people will never believe in the system".

Armin Rabitsch said that ODIHR has repeatedly come up with recommendations regarding electronic voting in the United States. "The usage of new voting technologies (NVT) is fine provided the necessary trust in the administration and a voter verifiable paper audit trail are in place". However, after the electronic count and before the announcement of final results, the votes of a random sample should be also counted and checked manually. In Armin Rabitsch's opinion, "this way of organising the NVT is to some extent transparent in guaranteeing manual recounts and fulfilling the criteria of the international standards". He emphasized that ODIHR is currently observing remote electronic voting (internet voting) in Estonia and drew attention to a planned handbook on new voting technologies and an upcoming conference.

Talking of proxy voting in general and in The Netherlands in particular, Armin Rabitsch continued to say that “secret suffrage is not safeguarded in case of proxy voting and this is against the international standards and commitments of the OSCE of which The Netherlands is a member”. Harry van Bommel pointed out that given the demographic developments, the number of potential proxy-voters is likely to increase in The Netherlands. However, he agreed with Armin Rabitsch that “there is no way of making proxy voting comply with the international standards”. In his view, postal voting would be the only possibility, but this alternative was contested by the former Head of Mission in Tajikistan, Onno van der Wind. According to Armin Rabitsch, “the alternative to proxy voting is a postal voting system, where those who are unable to vote on Election Day vote by a paper ballot from abroad or beforehand”.

Susan Hyde suggested another alternative currently practiced in the US: early voting. Under this system, voting is allowed before the Election Day in specified locations. Caecilia van Peski responded that the early voting system would not be a solution for The Netherlands, as the Dutch are allowed to vote anywhere in the country. Onno van der Wind argued that “there are some valid reasons for proxy voting (homebound, abroad etc.), but we run into problems now by being too lenient”. Proxy voting in The Netherlands is very simple because the voters are only required to prove their identity but offer no justification. Franck Daeschler referred to the French case where proxy voting is extremely complicated. “You have to prove that you will be out of the country. You have to produce a vast number of papers”, he said.

A number of participants were concerned that a formalised or abolished proxy voting would weaken the voter turnout. The reaction of the audience was almost unanimous. Susan Hyde pointed out that “these are votes that are questionable,” Franck Daeschler reasoned that “even if the turnout is lower, at least you can be sure about the secrecy of the vote and the absence of intimidation, this makes all the difference”. The participants agreed that proxy voting is incompatible with the international standards of democratic elections and should be abolished or at least restricted.

At the very end of the discussion session, Susan Hyde raised a controversial issue she dealt with in her upcoming book: “OSCE missions in countries that everyone knows are already democratic, and whether or not that is a great use of resources. I think I’ll leave it as an open question. Why observe in The Netherlands?” This prompted Bruce George to firmly argue in favour of this alleged waste of resources, because “some of these democracies are a bit crooked in running their own elections. Your own country (USA) is the world expert, mine (UK) is running very closely behind, and it can’t be the French don’t cheat. So it has to be done. Thank God the Russians forced the ODIHR to observe in their own territory. It is absolutely right”. Susan Hyde reacted to say that “it is probably a good thing in an ideal world. The question is just whether it is an efficient allocation of resources given all the problems”.

Due to time constraints this Expert Meeting could not address several issues in greater detail. The organisers will make every effort to allow sufficient time and cover a wider set of issues during the next event of this kind. The organisers would like to thank all the participants for their participation and genuine enthusiasm shown throughout this Expert Meeting.

About the contributors (in order of appearance)

Caecilia J. van Peski

Caecilia J. van Peski works for the Dutch Ministry of Foreign Affairs. She is the founder of Van Peski Consult, an independent international consultancy firm. In 2010, she was the recipient of the 'Ambassador for Peace' award granted by the Dutch Ministry of Education, Culture and Science. That same year she was appointed United Nations Women's Representative, addressing the 65th UN General Assembly in New York on the topic 'Deepening Democracy'. In her capacity as human rights expert and international election observer, she has displayed expertise in the field of foreign affairs and diplomacy, democracy building, elections, peace building and civil-military co-operation.

Hans Schmeets

Hans Schmeets is a Professor in Social Statistics at the Faculty of Arts and Social Sciences, Maastricht University. He also works as senior researcher at Statistics Netherlands and is in charge of the research programmes Social Cohesion, Well-being and Perceptions. His main interests are survey methodology, election studies, quality of life surveys, ethnic minorities, issues related to religion, well-being, trust, social and political participation. He has participated in over 50 EOMs as a Statistical Analyst, from 1995 onwards. Apart from OSCE/ODIHR, he has worked for the Council of Europe, UNDP, and EU.

Valery Shyrovok

Valery Shyrovok is a PhD student at the Maastricht Graduate School of Governance of Maastricht University, and has a background in teaching foreign languages. Prior to this academic commitment, he served in UN missions to Liberia, Côte d'Ivoire and DR Congo as Electoral Affairs Officer. From 1999 to 2007, he worked in eleven OSCE/ODIHR EOMs as a long- and short-term observer and a Core Team member most recently, he has worked in the European Union explanatory missions to Tanzania and Senegal. His PhD research deals with electoral commitments of winning presidential candidates in new democracies.

Bruce George

Bruce George was a British Member of Parliament (Labour), from 1974 to 2010. He served as Chairman of the House of Commons Defence Select Committee (1997–2005), was President of the OSCE Parliamentary Assembly and Vice President of the NATO Parliamentary Assembly. He has written and edited nine books and hundreds of articles on private security, defence, elections, election observation, good governance and democracy promotion, subjects which he specialised in during his time in Parliament. He has headed twenty Short-Term Election Observation Missions with the OSCE, NATO and the National Democratic Institute (NDI).

Simon Kimber

Simon Kimber worked as Bruce George's Senior Researcher in the House of Commons from 2007 to 2010. He has a Master's Degree in International Security and Global Governance from the University of London, where he focused on foreign policy and election observation.

Nicolas Kaczorowski

Nicolas Kaczorowski is currently the Country Director of the IFES Office in Tunisia since August 2011. He is responsible for managing IFES programmes in Tunisia and is leading a team of six professionals to assist and support the holding of democratic elections in Tunisia. Previously he was the Head of the Election Department of OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), one of the leading observer organizations in the world. He was responsible for the overall management and for leading electoral activities of the Department. He was the Deputy Head of the same Department from 2006 to 2009 where he was primarily responsible for operations, overall management, strategy and policy issues.

Dame Audrey Glover

Dame Audrey Glover is an international human rights lawyer. A barrister by profession and formerly a legal counsellor at the Foreign Office where for several years she was the UK agent before the European Commission and Court of Human Rights, she has in recent years been Director of the OSCE Office of Democratic Institutions and Human Rights in Warsaw (1994–1997) and Leader of the UK Delegation to the UN Human Rights Commission (1998–2003). She has advised the Ministry of Human Rights in Iraq (2004–2006) and led election observation missions on behalf of the OSCE to various countries, including Belarus, Kazakhstan, FYRM, Ukraine, Italy, the United States, Albania, Georgia and Azerbaijan.

Franck Daeschler

Franck Daeschler has been working for the Council of Europe for 16 years with 12 years of field experience in various capacities, mainly in the Balkans, Eastern European countries and North/South Caucasus. Since 2000, he has participated in over 15 EOMs as STO, also as a core team member in the capacity of Operations/Security Expert and Deputy Head of Mission in Kosovo 2007 elections. In 2009, he joined the Election Observation Unit at the Secretariat of the Parliamentary Assembly of the Council of Europe.

Anders Eriksson

Anders Eriksson is an independent consultant, with a background in teaching. He has been involved in election observation and technical assistance since 1989, and has worked on some 60 missions in total for OSCE, EU and UN. For seven years he was the Co-ordinator of the EU Election Observation Project (EUEOP/NEEDS), which provided training for EU election observers (Core Team and LTOs). He was the editor of the first and the revised editions of the EU Election Observation Handbook and the Compendium of International Standards for Elections. In Sweden, Anders has been training Swedish observers since 1989 and has been involved in training of OSCE/ODIHR and EU STOs. Anders has been an election official in Sweden since 1973.

Rast`o Kužel

Rast`o Kužel graduated from the Philosophical Faculty of Bratislava's Comenius University and spent almost a year at the State University of New York, Oswego. He is a media analyst and expert with over 11 years of international experience. He has been the Executive Director of MEMO 98 since 1998, a proficient media institution with extensive experience of delivering media monitoring on behalf of international institutions as well as technical assistance to civil society groups. He has worked as a media analyst, consultant and trainer, participating in 25 OSCE/ODIHR EOMs and over 30 election and media-related projects and missions in the framework of the UN, Council of Europe, IFES, NED, NDI and IMS.

Marta Regalia

Marta Regalia holds a PhD from the Italian Institute of Human Sciences (Florence) and an MA in Political Science from the "Roberto Ruffilli" Faculty of Political Science (Forli) of the University of Bologna. She is currently a teaching assistant in Political Science and Methodology at the Universities of Bologna and Milano. In 2010, she was a visiting researcher at Stanford University. Her research focuses on EU and OSCE/ODHIR election observation, democracy promotion, and methodology

Alexander Munninghoff

Alexander Munninghoff has MA in Slavonic Languages from Leiden University and University of Amsterdam. In 1974, he became a journalist, reported on wars in Lebanon, Cambodia, Iran, Iraq, and Yugoslavia for radio and television. In 1983, he received the Dutch National Prize for Journalism for his Turkish series. He worked as a correspondent in Moscow, and founded the Netherlands Scientific and Cultural Institute in St. Petersburg. He wrote several books and is fluent in Russian, English, French and German. Alexander has over 16 years of experience as an LTO and STO with OSCE/ODIHR missions in various countries.

Harry van Bommel

Harry van Bommel has been a Dutch Member of Parliament since 1998 and spokesperson on European and Foreign Affairs. As a member of the Parliamentary Assembly of the OSCE he participated in election monitoring missions in Russia and Ukraine. Harry Van Bommel holds a Master's degree in Political Science and a Bachelor's degree in teaching. Before entering politics he taught at a school for vocational training in Amsterdam.

Ben M. Groen

Ben M. Groen studied Slavic languages and literature. He holds a PhD on Macedonian dialects from University of Amsterdam. He lectured at Utrecht and Leiden universities and taught Dutch at Jakarta University in Indonesia. He has been involved in election observation missions since 1994 and has been working as a Long-Term Observer since 2001.

Onno van der Wind

Onno van der Wind retired as Brigadier-General from the Dutch Army in 2001 after serving in several countries including the European Mission in Bosnia. In 2003, he worked in the OSCE Secretariat and

developed a keen and lasting interest in election observation. This has led to his active participation in more than 15 EOMs, mainly in Central Asia and the Caucasus. He has worked in the capacity of STO and LTO and as Head of Mission. Presently, he is with the EU Monitoring Mission in Georgia. He holds a Master's degree in Law from the University of Leiden, the town where he currently lives.

Herman Ruddijs

Herman Ruddijs is a consultant and government liaison manager in the Sdu. Sdu developed and deployed electronic voting systems in the Netherlands from 1998 until 2007 providing over 1,100 polling stations with electronic voting systems and accompanying software. Herman was responsible for the product management, certification and deployment of three generations of the company's electronic voting systems. As an electronic voting expert, he participated in the OSCE/ODIHR and EU Election Observation and Assessment Missions to Kazakhstan, Venezuela, Belgium and Estonia.

Melle Bakker

Melle Bakker studied Dutch Public Law at the University of Groningen. He has been working for several divisions of the Ministry of the Interior and Kingdom Relations since 1980. In 1997, he was appointed Director of the Cabinet of the Governor of Aruba (Dutch Caribbean). From 2007 to 2010, he was stationed as Counsellor Safety and Security at the Dutch Embassy in London. He has been Secretary-Director of the Dutch Electoral Council since February 2010.