

Second International Meeting on the Implementation of the Declaration of Principles for International Election Observation

Summary of Proceedings

Organization of American States (OAS)
Washington, D.C., November 14-15, 2007



This document reflects the opinions expressed by the international organizations that participated in the Second International Meeting on the Implementation of the Declaration of Principles for International Election Observation. Consequently, the views expressed are exclusively those of the international organizations named herein, and they do not necessarily represent the points of view or the opinions of the OAS, its organs, its staff members, or the OAS Member States.

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I. Executive Summary

The *Declaration of Principles for International Election Observation* and the *Code of Conduct for International Election Observers* were originally endorsed by 21 inter-governmental and international non-governmental organizations. Both were signed by representatives of these organizations at a commemoration ceremony held at the United Nations, New York, on October 27th 2005.¹

Following this event, the organizations endorsing the *Declaration of Principles* and the *Code of Conduct* held a first meeting on the documents' implementation in London, England, from May 31st to June 1st 2006, hosted by the Commonwealth Secretariat.

At the invitation of the Organization of American States (OAS), the organizations gathered again in Washington, D.C. from November 14th to November 15th 2007 to hold the *Second International Meeting on the Implementation of the Declaration of Principles for International Election Observation* to further refine and harmonize approaches towards the Declaration.

As agreed upon by participants at the London Meeting, the focus of the second meeting was placed specifically on identifying and discussing possible approaches for greater harmonization of practices among the different organizations working in the field of international election observation.

The meeting was opened in an official ceremony led by the Secretary General of the OAS, Mr. José Miguel Insulza, Ambassador Christian Strohal, Director of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), and Mr. Pablo Gutierrez, Director of the OAS's Department for Electoral Cooperation and Observation (DECO).

The meeting, which was held over two days, consisted of four panels, entitled “*Sharing Best Practices on Electoral Observation Criteria*”, “*Harmonizing our Approaches to Electronic Technologies in Elections*”, “*Post-Election Follow-up: Translating Observer Recommendations Into Action*”, and “*Further Cooperation among Endorsing Organizations: Identifying Challenges and Ways Forward in the Declaration of Principles Process.*”

¹ As of November 2007, the total number of endorsing organizations has risen to 32. For a full list of these organizations as well as the participants of the Second International Meeting, please refer to Annexes I and II.

II. Proceedings of the Meeting

The inaugural session of the meeting began with welcome remarks by Mr. Pablo Gutierrez, Director of the Department for Electoral Cooperation and Observation (DECO) of the OAS. Mr. Gutierrez welcomed the participants, Ambassadors, and representatives of the permanent and observer missions to the OAS and introduced the keynote speakers, Mr. José Miguel Insulza, Secretary General of the OAS, and Ambassador Christian Strohal, Director of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

In his opening remarks, Mr. Insulza again welcomed all participants to Washington and the OAS Headquarters. He stressed the significance of the *Declaration of Principles* and the need to continue to advance its implementation through greater coordination among the endorsing organizations. In this context he also emphasized the importance of promoting further efforts to professionalize election observation activities.

Ambassador Strohal highlighted the value of international election observation as a means to support universal civil and political rights. He outlined several challenges facing international observer organizations and stressed the need to further elaborate and refine methodologies for election observation. He also placed emphasis on the shared global responsibility of governments for ensuring the implementation of principles for democratic elections.

Both Mr. Insulza and Mr. Strohal thanked the United Nations Electoral Assistance Division, the Carter Center, and the National Democratic Institute for their work and acknowledged their role in spearheading the *Declaration of Principles* initiative.

Panel 1: Sharing Best Practices on Electoral Observation Criteria

Paragraph 18 of the Declaration of Principles notes that “endorsing organizations recognize that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ”. The Declaration also states that the endorsing organizations “commit to sharing approaches and harmonizing methodologies as appropriate”.

A number of organizations have been working on specific approaches to these issues and are applying them in their respective observation missions. These approaches differ from organization to organization, but at the same time they also possess commonalities that make them compatible. The purpose of this panel was to share information and best practices on the various methodologies and criteria for election observation and their application, as well as to compare these efforts, and identify whether and how they can be complementary.

The first panelist, Mr. Andrew Bruce of the Election Desk of the European Commission’s Directorate General for External Relations, emphasized the dire need for a growing consensus on electoral observation criteria to enhance the legitimacy of the actors involved in observation and their assessments of electoral processes. According to Mr. Bruce, the European Commission’s attempts to address this problem focused on improving the consistency and rigor of the European Union’s electoral observation missions and reducing confusion of EU observers about international standards. The EC

centered its work on three aspects: first, the publication of a “Compendium of International Standards for Elections”; second, the preparation of a revised “Handbook for European Union Election Observation” detailing the institutional background as well as operational phases of EU electoral missions; and third, the preparation of a series of guidelines for reporting on election observation (focusing on how to draft press releases, statements, final reports etc.).

Still, Mr. Bruce argued, international election observation faces a series of challenges. These challenges include not only a lack of knowledge on standards by election observers, but also a lack of acceptance of standards by some countries and a lack of awareness of the international community regarding these challenges. He moved on underscore two practical challenges for the organizations involved in international election observation: first, the question of how to use standards to come up with an overall assessment of an election and, second, how to approach the sensitive question of how best to observe elections that may fall short of standards.

In his conclusion, Mr. Bruce stressed that while international election observation has come a long way and made great progress, it has increasingly been subject to criticism. The best way to counter this criticism, he said, is to systematize and solidify the standards of the international organizations observing elections.

The second panelist, Dr. David Pottie, Associate Director of the Carter Center’s Democracy Program, stressed that the general challenge at this point of the process of the *Declaration of Principles* is to make the Declaration a “living document”. A first step towards reaching this goal, according to Dr. Pottie, is to emphasize the need to place greater emphasis on standards and to ‘take a step back’ and attempt to understand the standards that, even today, underlie the approaches of many observation missions.

There are two specific challenges for EOMs, Dr. Pottie argued. First, there is a need to internalize international standards to allow their implementation in ‘real country context’, i.e. with the time- and political pressure on the mission leadership to make judgments about the process. Second, and dealing with the acceptance of the statements made by electoral missions, he emphasized that the more clearly based on internationally accepted standards a mission’s judgment is, the more likely it is to be accepted as legitimate in the host-country and by the international community.

The approach of the Carter Center has been to first develop benchmarks or indicators for assessing elections, and second to attempt to identify ways for practically incorporating these benchmarks into observation. At the same time, attempts were made to embed both these aspects in the context of international standards. Concerning these standards Dr. Pottie underlined the Carter Center’s approach to understanding international obligations and principles in a ‘broader and deeper’ way, i.e. going beyond the more basic legal frameworks (including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and others) to include other treaties and frameworks, and even judicial decisions and established best practices, and applying the obligations contained therein to all constituent parts of the electoral process. On a second level, Dr. Pottie explained, the Carter Center had emphasized the need to break general statements and principles down to specific indicators that can be used to assess elections by observers on the ground.

On a final note, Dr. Pottie insisted that it is important to remember the essentially political nature of election observation, and the implications this has for the development of standards.

The third participant in this panel, Dr. Gerardo Munck, Associate Professor of International Relations at the University of Southern California and consultant for the OAS, outlined the OAS approach to criteria and methods for observing elections contained in the newly published *Methods for Election Observation: A Manual for OAS Electoral Observation Missions*.

Dr. Munck introduced the concept of democratic elections utilized by the OAS, and defined the concept in light of the fundamental rights enshrined in the diverse instruments of the Inter-American system, including the Declaration on the Rights and Duties of Man, the American Convention on Human Rights, and especially in the *Inter-American Democratic Charter*. Drawing on the obligations contained in these documents, Dr. Munck then indicated that for an election to be considered democratic it has to be inclusive, clean, and competitive, and constitute the means of access to high public offices. On the next level, concerning the instruments used to gather the information needed for assessing whether standards have been met, Dr. Munck explained the two main tools used for this purpose by OAS Electoral Observation Missions (EOMs): the Election-Day Questionnaire and the Document of Indicators on the Electoral Process.

Dr. Munck identified two main problems facing election observation today: first, the fact that in their gathering of information EOMs often undercount the occurrence of difficulties. The presence of observers is often important for deterring and preventing election day problems. This also means that actors behave differently than they do when the observer is not present. The fact that an EOM has not observed certain behavior, therefore, does not mean that it does not occur at all.

On a second note, Dr. Munck agreed that the lack of harmonization of standards and methods, and the lack of consensus on the findings of EOMs (and as a result the evaluation of an election) affect the credibility of all participating organizations. At the same time, there are limits to the extent to which approaches should be harmonized, since restricting the diversity of approaches can discourage methodological innovation. In addition, different methodological approaches that reach the same conclusion may have a stronger political impact than equal approaches that reach the same conclusion.

On a final note, Dr. Munck underlined that a basic principle for any election observation must be the presence of the mission for a sufficient amount of time, because this is indispensable for making adequate assessments of the process observed.

The fourth panelist, Ms. Miriam Lapp, Acting Director of International Research and Cooperation of Elections Canada, contributed to the Panel as an external discussant. Ms. Lapp presented her assessment of the documents on methods and standards presented to her by the Carter Center, the European Commission, the OAS, and the National Democratic Institute (NDI).

In her general comments on the documents, Ms. Lapp identified many shared commonalities among them, including a similar understanding of the principles underlying international election observation and the recognition of its political nature. At the same time, she highlighted a number of differences, including different sources for principles and obligations, ranging from commonly accepted sources (including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and others) to best practices, to other, broader concepts.

Ms. Lapp underscored the value of taking into consideration the perceptions and practical needs of those who receive international election observation missions – in particular those of host electoral management bodies. In this light she, stressed the need to consolidate the legal obligations for electoral processes used by the different Organizations, and to reach agreement on common sources of obligations. This would be a basis for improving the coherence, transparency and predictability of the work undertaken by all the organizations that observe elections. At the same time, she pointed to the limited effectiveness of legal obligations, as they remain at a very high level of abstraction and may not always be of use for completing the practical objectives of a mission. They may, for example, be useful for assessing the legitimacy of an electoral process, but less useful for making recommendations for technical improvements. Thus, it may be necessary to also consider best practices of electoral missions.

In conclusion, Ms. Lapp emphasized the need to maintain a certain degree of flexibility in the assessment of elections and to consider the uniqueness of each electoral process, both in terms of national legal obligations, as well as the reality on the ground. Thus politics, culture, and history should always be taken into consideration in the assessment of elections.

Building on the presentations of the panelists, meeting participants highlighted several issues of importance when considering criteria for assessing democratic elections. In particular, participants stressed the importance of regional treaties and documents as a source of standards for democratic elections, in that regional standards may resonate more strongly with observed countries than international standards, even when international standards also apply.

Many organizational representatives agreed that it is critical that observers explain how or why the criteria that they are using to assess the elections were or were not met, so that the transparency of the observation body is increased, and observed countries are able to make improvements in advance of future elections. It is also important that international electoral assistance be focused to help bridge the gaps between standards and practice. A comment made by Mr. Tuccinardi in that respect was that observers' reports should also focus more on providing detailed explanations and accounts of the reasons why standards are often not arrived at in a given electoral process rather than limiting themselves to mere denunciation of the fact that certain standards are breached. This type of analysis would also provide a useful platform for future debates at the institutional and civil society level on the type of electoral/political reforms to be introduced in the country. Important questions about the criteria were also raised, including whether there are any non-negotiable standards that if not met, mean that an election is not democratic.

Panel 2: Harmonizing our Approaches to Electronic Technologies in Elections

In the Declaration of Principles international observer groups committed themselves to harmonizing approaches to international election observation. As the use of electronic technologies grows, observer groups need to assess the impact of these technologies, not only on budgets, staff, checklists, etc, but also on the larger issues at the core of observation missions. At the 2006 London meeting on the implementation of the Declaration, participants discussed the use of electronic electoral technologies and the possibilities for monitoring their integrity. Since then, several endorsing organizations have made advances regarding the approaches for observing electronic technologies used in all phases of the electoral process (including voter registration, voting procedures and vote

tabulation). The purpose of this panel was to exchange information as a basis for harmonizing approaches to observing electronic technologies in elections.

The first panelist, Mr. Domenico Tuccinardi, Senior Project Manager of the Administration and Cost of Elections (ACE) Project's Practitioners' Network Team at International IDEA, focused his contribution to the discussion on the challenges arising from the introduction of electronic voting (e-voting) systems, and specifically on electronic voting machines (EVMs) in polling stations. Mr. Tuccinardi affirmed at the onset of his presentation that there is no evidence to support statements that there are great advantages to electronic voting, although there is also no evidence indicating that it violates or puts at risk the fundamentals of safe voting procedures, especially the secrecy of the vote.

Mr. Tuccinardi did outline a few of the advantages of e-voting, including: the reduction of costs for electoral authorities; increased speed in the processing of results; a potential turnout increase; and a prevention of widespread fraud at the polling station level, especially in the case of electronic voting machines with a *Voter Verified Audit- or Paper Trail* (VVAT/VVPT). These advantages have become major reasons for the adoption (or at least the demand for the adoption) of e-voting technologies, especially in developing countries. At the same time, using the examples of EVMs in various countries, he highlighted several major problems stemming from the introduction of e-voting systems, including what Mr. Tuccinardi dubbed a *vendor-dictatorship*, i.e. the fact that potential vendors of e-voting technologies often exert a great amount of pressure on governments and electoral authorities to introduce these technologies. In addition, these vendors may be present before electoral assistance providers, and may influence electoral legislation to their advantage.

Therefore, Mr. Tuccinardi argued, the development of a coherent methodology and the sharing of best practices for electoral observation are fundamental to meet this new challenge. Electoral assistance, in order to maintain its relevance in this issue, must find a balanced approach to addressing the problems and possibilities resulting from the introduction of electronic voting, as well as to ensure its transparency, sustainability and cost-effectiveness.

A second challenge identified by Mr. Tuccinardi is the acceptance of e-voting systems by voters. This acceptance depends directly on the level of trust and independence enjoyed by the respective electoral management body (EMB), which in turn must be directly related to the level of technology that is introduced. The case of Venezuela is very symptomatic of how a highly developed and expensive e-voting system cannot solve the problems determined by the lack of confidence in the electoral administration. The introduction of advanced technology, therefore, cannot be a remedy for a lack of trust in the EMB.

At the same time, Mr. Tuccinardi affirmed, while advanced technologies offer significant advantages (e.g. potential for usage in multiple types of elections, sophisticated auditing possibilities, and VVATs), the amount of money spent on the introduction of state-of-the-art technology should be in an adequate relation to the amount of money spent on capacity building and voter education. Advanced technology should not be a remedy for a lack of understanding and knowledge in regards to the usage of EVMs. In addition, he stated that while the VVAT can contribute significantly to the transparency of the process and the legitimacy of the technology, in some cases it has been identified as the most vulnerable component of an EVM. According to him, this is why some countries (e.g. Brasil) have reversed its introduction. All these factors, which have a direct impact on the

trust placed on e-voting, may therefore counter-balance the reduced opportunities for fraud at the local level.

In his conclusions, Mr. Tuccinardi stressed that electoral assistance providers and election observers should pay attention to the level of acceptance of e-voting by voters, the training and voter education accompanying the introduction of EVMs, and the transparency measures introduced by the EMB. In addition, standards for the certification of EVMs should be developed. On the other hand, he insisted that observers and providers of electoral assistance should never exclude the possibilities of manipulation ‘from inside’ and should, under no circumstances, convert themselves into auditing bodies for EVMs. Finally, he maintained that election observers cannot exclude with certainty the possibility that EMB officials can compare votes and voter sequences, thus gravely violating the secrecy of the vote. Finally, given the current state of the art, the only acceptable level of transparency and guarantees for a meaningful observation in an e-voting environment is offered by the further development of VVATs in e-voting processes.

The second panelist, Ms. Avery Davis-Roberts, Program Associate with the Democracy Program of the Carter Center, focused her comments on the Carter Center’s approach to developing a methodology for observing e-voting, based in part on the Center’s experiences during the 2004 Recall referendum and the 2006 technical mission to observe the in Venezuela.

According to Ms. Davis-Roberts, the Carter Center focused on three main questions in its approach to understanding the challenge that the introduction of e-voting poses for election observation: first, how to assess the use of electronic technologies in voting when one cannot actually ‘see the inside’ of the voting machines; second, what aspects can, and should, be observed with automated voting systems; and finally, what aspects of traditional election observation continue to remain relevant in the context of electronic voting.

Ms. Davis-Roberts then went on to outline the main challenges identified by the Carter Center in the elaboration of a methodology. These were related, on a basic level, to the need to formulate a methodology that, while generic enough to be used in different countries with different voting systems, is specific enough to actually be useful in the gathering of information. A second challenge concerned the boundaries for the observation methodology, i.e. the aspects to be observed as well as the timeframe throughout which this observation should ideally take place (for example whether observers should analyze the procurement of technologies, the legal frameworks, etc, that happen before an election). Resulting from these two challenges was a third, that is, a more general consideration dealing with the *amount* of information gathered through the observation versus the *utility* of that information.

Based on these considerations, Ms. Davis-Roberts went further to outline the two components of the Carter Center’s methodology for observing e-voting: firstly, a pre-election day baseline survey for long-term observers and, secondly, observation checklists for short-term observers based on data collected using this baseline survey. In this context, she also stressed the need to guarantee the highest levels of technical expertise and proficiency in order to understand these technologies.

In her conclusion, Ms. Davis-Roberts highlighted a series of general principles that need to guide the observation of electronic voting. These include, first and foremost, the need to continue assessing elections against international standards, keeping especially in mind

fundamental issues such as the secrecy of the vote. In addition, and referring to an argument made by Mr. Tuccinardi, she emphasized that election observation missions cannot and should not become certification bodies. Finally, Ms. Davis-Roberts reminded the forum that in the context of e-voting the focus of an observation mission should not shift too far away from the other aspects in an electoral process, which continue to be just as relevant as before.

The third panelist, Mr. Vladimir Pran, Chief of Party for the West Bank/Gaza of the International Foundation for Election Systems (IFES) (formerly TITLE with the National Democratic Institute, presented the NDI Guidebook for Observation of Electronic Technologies in Electoral Processes. Mr. Pran indicated that while the guidebook is primarily aimed at domestic observers, parties, and other national stakeholders in electoral processes rather than international observation missions, the aim of his presentation was to outline the underlying ideas contained in the guidebook as a contribution to the development of a methodology for the observation of electronic technologies in the electoral process.

He highlighted the fact that the NDI guidebook focuses not only on electronic voting as such, but also on electronic technologies in other parts of the electoral process, especially the registration of voters, voter databases and others. According to Mr. Pran, the emphasis on electronic voting can be seen as a rather recent phenomenon, and due principally to skepticism towards electronic voting technologies and the uncertainties stemming from the fact that it is hard to understand 'what goes on in the machine'. He then argued that the results from this phenomenon are twofold: first, a highly polarized debate on the issue between advocates of e-voting and those who outright reject it, and second, the need for substantial technical expertise in computing technologies and security systems as well as a good understanding of electoral processes as a basis for developing any methodology.

In addition, Mr. Pran stressed the limited 'lifespan' of international election observation missions and its consequences for the observation of e-voting, considering above all that international observer missions are usually not present during critical stages of the development, testing, acquisition and certification of EVMs. Against this background, he explained the manual's focus on domestic observers, as well as its integral approach to electoral processes, attempting to lead observers through *all phases* of the process in regard to technology. On a final note Mr. Pran insisted that checklists, which the manual does not contain, are in fact undesirable as they need to be highly customized for specific voting technologies. The creation of useful generic checklists therefore, he argued, is nearly impossible.

Following the panel presentations, meeting participants generally expressed a degree of concern regarding the introduction of electronic technologies in the electoral process. Of particular concern was the impact of technology on electoral processes which enjoy low public confidence and little political trust. Participants stressed the need for greater transparency and increased public involvement in the decision making process, starting with the procurement of the technology, and urged fellow endorsers to consider the capacity of political parties and civil society organizations to effectively monitor the use of technology during election observations.

Panel 3: Post-Election Follow-up: Translating Observer Recommendations Into Action

Point 4 of the Declaration of Principles states that “international election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes....” Although most international and domestic observer groups include recommendations for improvement in their statements, actual follow-up and implementation of such recommendations frequently does not occur. Many reasons can be cited for the lack of follow-up, but the problem remains. This continuing observation challenge was noted at the 2006 London meeting. Several suggestions were made at that time as to how observer groups might encourage reform after the final observer statements have been issued. This panel aimed at promoting a more comprehensive discussion of this issue and at identifying new and/or additional options for observer groups seeking to encourage appropriate and improved post-election follow-up of observer recommendations.

The first panelist of the third panel, Ms. Robin Ludwig, Political Affairs Officer at the United Nations Electoral Affairs Division (UNEAD) focused her presentation on historical examples from previous UNEAD observation missions since, as she explained, UNEAD has generally ceased its practice of observing elections.

Ms. Ludwig outlined the case of the 1993 Cambodian elections as an example of elections where “everything was organized and left behind” but “nothing was left” for the subsequent elections in 1998, including material and human resources. She went on to look at other more positive cases and examples where follow-up resulted in an improved atmosphere and organization from one electoral process to the next. Here she highlighted the cases of Mozambique from 1999 to 2003 and moving towards the next process in 2008. Ms. Ludwig emphasized that the regular presence of observers and/or UN Needs Assessment Teams allowed for improved follow-up on elections. She then went on to mention the case of the Afghan elections of 2004 where, supported by and based on OSCE and EU recommendations, national observer groups, which, as opposed to international observers, have an ongoing presence in the country, handled the post-election follow-up. Ms. Ludwig then briefly referred to the case of Tokelau as a positive example where following the 2006 referendum, most of the observer recommendations were implemented.

In her conclusions, Ms. Ludwig stressed a number of ways to improve the effectiveness of post-election follow-up. For example, consistent donor interest and support following an election, may greatly improve results in regard to the implementation of observer recommendations. In addition, she argued, it can be helpful to go beyond a “single election” approach and, as UNEAD has been doing, move towards a more comprehensive approach focusing on “electoral cycles” with a constant follow up during and between elections. On a final note, Ms. Ludwig observed that a high frequency of elections may help with the implementation of recommendations, as qualified human resources remain on the ground between the processes.

The second panelist, Mr. Mark Stevens, Advisor and Head of the Democracy Section at the Commonwealth Secretariat (CS), focused his presentation on sketching out the various thematic areas for post-election follow-up as identified by the CS. He set out by stating the principal problem of post-election follow-up, which he defined not as a technical one or one referring to the lack of consensus on the need for reforms, but rather as the lack of political will to implement recommendations.

Subsequently, Mr. Stevens offered an overview of four different thematic areas for follow-up and outlined the CS’s approach to improving the implementation of recommendations. Concerning media and outreach he stressed the need to prepare ‘user friendly’ reports

that accentuate relevant information and focus on areas where there is real potential for change, and to ensure the distribution of reports the relevant people. In this context, Mr. Stevens also pointed to the CS's practice of preparing and distributing the final report of an EOM prior to departure from the host-country.

In the area of political and analytical follow-up, Mr. Stevens highlighted different ways in which the CS uses political tools for ensuring appropriate follow-up, including sending senior CS staff, or even Special Envoys of the Secretary General, to engage with the host government. He stressed that in certain cases where there is insufficient follow-up on observer recommendations, it may be pertinent to make the decision not to send EOMs to subsequent elections so as to not give legitimacy to flawed processes.

Concerning technical follow-up and donor assistance Mr. Stevens pointed to the need for suitable and appropriate expertise in following up on the recommendations, which may include the promotion of 'EMB to EMB' cooperation and assistance, as well as the active creation of other links for technical assistance, such as with other regional/international organizations. Finally, concerning issues of compliance and needs assessment, he identified mid-term reviews as an effective tool for following up on previous elections and the implementation of recommendations, as well as being a useful tool for making assessments for the next election.

In his conclusions Mr. Stevens recommended closer coordination between international election observation organizations in regard to follow-up, especially with regard to harmonization, not only in EOM conclusions, but also recommendations. At the same time he underscored the need to ensure continuing donor interest after the day of elections and for subsequent stages of following-up on recommendations.

The third panelist, Mr. Patrick Merloe, Senior Associate and Director of Election Programs at the National Democratic Institute (NDI), drew attention to a series of problems facing international election observation organizations, beginning with conceptual difficulties and the need to define in detail the scope and aim of election observation. Mr. Merloe argued that there remains a lack of understanding that the day of elections is merely one aspect of a broader democratic process. This lack of understanding, exacerbated by a lack of dialogue between international organizations and donors on the real needs of election observation, has led donors to focus their provision of election day resources and lose interest in the process quickly thereafter. In this sense, he underlined the need for increased attempts to engage in dialogue with donors, especially in regard to the need for greater attention to the post-election stage and follow-up.

Mr. Merloe then went on to highlight more structural problems for post-election follow-up, for example, the lack of mechanisms to ensure attention by the host-government and others to the final report. While the publishing of the final report is often seen as the end of an EOM, he argued, the implementation of the recommendations included in the report should in fact be the real end.

In sum, Mr. Merloe questioned the limited reach of observer recommendations, which are often only directed towards the host country's EMB and/or the executive branch. In response, he proposed, first, that observers reframe the election observation missions, so that follow-up, rather than being considered as the end of the mission, be considered a starting point. Organizations could include the implementation of recommendations from previous observations (or the lack thereof) in the pre-election report. Secondly, by addressing the report to other actors in the host country, including parliaments, NGO's,

and civil society in general, he argued, domestic attention to the implementation of recommendations could be greatly increased.

The fourth and final speaker of the panel, Mr. Kingsley Rodrigo, Secretary General of the Asian Network for Free Elections (ANFREL), centered his presentation on the question of how to make observer recommendations more relevant. In doing so he underscored the argument previously made by Ms. Ludwig [WHICH POINT?], and emphasized the importance of domestic election monitoring groups, that can ensure continuous follow-up to elections in the post-election phase.

In addition, Mr. Rodrigo called for greater efforts among observer groups to agree on recommendations, and to focus these on major, practical issues, so that they have a realistic chance of being implemented if there is sufficient political will to do so. In this context, Mr. Rodrigo pointed to possible difficulties with the EMB, considering situations, for example, where international election observers are not even invited or where the EMB is known to be a partisan institution.

In his conclusions and recommendations, Mr. Rodrigo proposed increasing the support for domestic observer groups to facilitate the promotion of transparency and democracy. He also emphasized the need to adapt recommendations, and the way these are made, to the political contexts in specific countries.

During discussions following the panel presentations, meeting participants agreed that it is essential for follow-up on recommendations to become a standard part of observation methodologies, and offered several practical suggestions of ways in which recommendations might be translated into action.

Participants highlighted the opportunity for observer organizations to use existing international or regional mechanisms to push the electoral reform agenda in the years between elections. One such mechanism is that of the peer review process under the New Partnership for Africa's Development (NEPAD). Another participant suggested that observer groups submit their election reports to UN monitoring bodies, such as the Human Rights Council, when countries are due to submit their reports on the degree to which their human rights commitments are being met.

It was generally thought useful to have a website that could serve as a clearing house for all election observation mission reports and recommendations, and there was interest among endorsers of the Declaration of Principles in drafting a joint proposal to the United Nations Democracy Fund to establish and maintain such a website. This would not only assist international and domestic observer organizations throughout the observation process, but would assist in the dissemination of election observation mission findings and recommendations.

Panel 4: Further Cooperation among Endorsing Organizations: Identifying Challenges and Ways Forward in the Declaration of Principles Process

The process surrounding the development of and follow-up to the Declaration of Principles has repeatedly been assessed as valuable by the endorsing organizations. Point 8 the Declaration of Principles states that endorsing organizations "pledge to cooperate with each other in conducting international election observation missions". In order to determine whether the Declaration process can and should be continued, this panel aimed

at considering concrete ways to further enhance cooperation among the organizations. Rather than discussing this in the abstract, the session called on participants to identify key challenges facing the integrity to international election observation and propose ways in which the Declaration process might help address them.

The first panelist, Ms. Rumbidzai Kandawasvika-Nhundu, Senior Program Officer of the Southern African Development Community (SADC) Parliamentary Forum concentrated her presentation on the question of how to proceed in, “making the Declaration of Principles a living document”, as Dr. Pottie had called it. In this context Ms. Kandawasvika-Nhundu highlighted several points:

First, she argued for a greater harmonization and complementation in the approaches of the organizations working in the field of international election observation, including the pooling of resources, convergence of ideas, and the development of further strengths in areas of common understanding and mutual interest.

Second, she pointed to the importance of ensuring the acceptance of the Declaration of Principles by the ‘gatekeepers’ of elections, including all the political parties, both the ruling as well as the opposition parties. In addition, she proposed an increased focus on political parties by observer organizations, for example, through observation of internal and intra-party democratic processes.

Third, Ms. Kandawasvika-Nhundu proposed a greater inclusion of gender aspects in the use of the Declaration of Principles and its practical application. This would also serve to increase legitimacy of the organizations working in international election observation in the public perception. Finally, and in this same context, she called for an increase in the work of observer missions with parliaments in the host countries.

The presentation of the second speaker of the panel, Mr. Gerald Mitchell, Head of the Election Department of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) centered on the difficult situation faced by the OSCE/ODIHR regarding the 2 Dec. 2007 Duma elections in Russia, and moves by some participating states to undermine OSCE/ODIHR election observation.

In this context, Mr. Mitchell insisted that the Declaration of Principles as a common denominator for election standards is useful both as a document and as a process that is worth advancing. He went on to highlight the need for greater support among all the organizations involved in international election observation, which is fundamental for underscoring credible observation efforts.

Referring to previous panels, Mr. Mitchell stated that for ODIHR, challenges such as the introduction of new technologies, definitions for domestic observers and questions of post-election follow-up, are magnified by the troublesome context in the region, and in general terms, by the need to discuss these issues in more detail with host countries.

On a final note, and underscoring the need for a greater cooperation and support among international election observation organizations, Mr. Mitchell extended an invitation on behalf of the OSCE/ODIHR to host the 2008 meeting on the Declaration of Principles.

The third and final speaker, Mr. Kingsley Rodrigo of ANFREL pointed out that the process of the Declaration of Principles should allow for further collaboration. He noted that the

number of endorsing organizations had risen to 32 and should be actively further increased, especially in the Asian context. He called for the inclusion of organizations hitherto not part of the process, including domestic monitoring groups, and encouraged the active promotion of the establishment of observer groups in countries where they do not exist (e.g. Singapore, Laos, Myanmar). He concluded by questioning whether it would be possible to extend the process of the Declaration to include democratic and human rights groups.

During closing discussions, participants offered suggestions for how endorsing organizations might encourage greater cooperation with one another. To promote greater harmonization of methodologies and better understanding about different observation approaches, it was proposed that organizations invite one another to participate in each others missions. It was also suggested that a non-paper, outlining some of the concrete suggestions for greater coordination and more consistent follow-up on recommendations, be drafted and circulated among endorsing organizations.

Following the presentations, participants welcomed offers by both the Electoral Institute of Southern Africa (EISA) and the OSCE to host the 2008 Third Meeting on the Implementation of the Declaration of Principles for International Election Observation. Thinking forward to the 2008 meeting, participants suggested several topics for potential discussion. These included the impact of campaign finance issues on election observation, the democratization of political party processes, and how to better ensure that the participation of women and marginalized groups in all aspects of the electoral process is included in election observations.

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Annex II: List of Endorsing Organizations (as of August 3, 2007)

1. African Union
2. Asian Network for Free Elections (ANFREL)
3. Association of Central and Eastern European Election Officials (ACEEEO)
4. Canadian Association of Former Parliamentarians (CAFP)
5. The Carter Center
6. Center for Electoral Promotion and Assistance (CAPEL)
7. Commonwealth Secretariat
8. The Congress of Local and Regional Authorities of the Council of Europe
9. Council of European Commission for Democracy through Law (Venice Commission)
10. Council of Europe – Parliamentary Assembly (PACE)
11. Electoral Institute of Southern African (EISA)
12. Electoral Reform International Services (ERIS)
13. European Commission
14. European Parliament
15. European Network of Election Monitoring Organizations (ENEMO)
16. European Parliament Former Members Association (FMA)
17. La Francophonie
18. IFES
19. International Election Monitors Institute (IEMI)
20. International expert Center for Electoral Systems (ICES)
21. International IDEA
22. Inter-Parliamentary Union (IPU)
23. International Republican Institute (IRI)
24. National Democratic Institute (NDI)
25. Organization of American States (OAS)
26. Organization for Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights (OSCE/ODIHR)
27. Pacific Islands, Australia & New Zealand Electoral Administrators' Association (PIANZEA)
28. Pacific Island Forum
29. Southern African Development Community Parliamentary Forum (SADC-PF)
30. United Nations Secretariat
31. United States Association of Former Members of Congress (USAFMC)
32. Democracy Reporting International

This list is for public information purposes and is not part of the Declaration of Principles. The Declaration and the accompanying Code of Conduct remain open for endorsement by other intergovernmental and international nongovernmental organizations. Notice of endorsements may be sent to the United Nations Electoral Assistance Division.