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## **Election Observation by the Parliamentary Assembly of the Council of Europe**

### **Statement by Vladimir Dronov (PACE Secretariat) at the ACEEEO Annual Conference (London, 23-25 October 2003)**

The right to free elections is enshrined in the European Convention on Human Rights which is the fundamental instrument of the Council of Europe.

Article 3 of the Protocol to the Convention adopted 20 March 1952 reads, 'The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislation'. Upon joining the Council of Europe all states subscribe to this commitment and are expected to honour it.

The way in which elections are held is indicative of the overall level of democracy and the functioning of democratic institutions in the state concerned. Furthermore, voter turnout is a clear criterion of the political health of that state in that it is a derivative of the degree of electorate's confidence in the political process.

For these reasons findings of election observation missions provide a wealth of information allowing PACE to draw conclusions on how the state concerned is complying with obligations it assumed upon its accession to the Council of Europe.

The historic change of late 80s-early nineties brought into being a host of new democracies in Europe. With their aspirations to join the family of free nations, only very few had any collective memory of a working democratic set up. Thus, once these nations started approaching the Council of Europe with a view to joining it, a whole set of criteria had to be put in place by the Parliamentary Assembly, which plays the key role in determining a state's aptitude to be member of the Council of Europe. And, once invited to join, the new member-states became subject to a rigorous monitoring procedure designed to continuously assess their compliance with commitments they subscribed to upon joining, with ideals and principles of the Council of Europe.

In this connection, during the past decade, through trial and error, election observation has emerged as an important area of PACE activities.

The Bureau of the Assembly decides which elections to observe, as well as determines the numerical strength of PACE election observation delegations. Political groups make personal appointments. In this connection an important principle needs to be observed: the composition of an election observation delegation must reflect the political make up of the Assembly, the more seats a political group has in the Assembly, the more members of an election observation delegation it is entitled to.

According to PACE election observation guidelines in force now, PACE observes elections in accession states, states under monitoring procedure and those in the phase of the post-monitoring dialogue. While, in principle, PACE observes parliamentary elections, observing presidential, regional or even local elections, as well as referenda, can be considered on a case by case basis. To cite just a few examples of the latter, in 2003 alone PACE observed presidential elections in Armenia and Azerbaijan, in 2001 and 2002 it observed Kosovo-wide elections and municipal elections in that entity.

While, in principle, no invitation is needed for PACE to send its observers to the category of countries mentioned above and observers may be dispatched even in the absence of a formal invitation (cf. Turkey, November 2002), it is always preferable to have an official invitation because that guarantees that a meaningful programme of meetings can be put together. A state's unwillingness to accept a PACE election observation mission is a criterion in itself.

PACE election observation is not a one time exercise. It covers far more than just observing the vote and the vote count. The run-up to the elections is put to scrutiny, and, when situation warrants that, cross-party pre-electoral missions (one representative per political group of the Assembly) visit the country concerned roughly a month ahead of the elections. In exceptional cases, when follow-up to observation mission's recommendations is deemed necessary, a post electoral mission may be sent as well (Ukraine 2002, joint post-electoral mission by PACE, OSCE PA and the EP).

Normally, a PACE election observation delegation arrives in the state concerned 3 days prior to the voting day, has an extensive programme of meetings with top candidates and political leaders, top electoral committee officials, presidents of courts that deal with election-related complaints and appeals, diplomatic corps, NGOs, media etc. On election day delegation members are deployed in pairs with a view to ensuring the widest possible geographical coverage. Voting observation starts before the official opening of polling stations and lasts until the vote count is finished. The following day observers compare their findings and produce a press statement at the closing press conference. Later a detailed report is prepared for the Assembly, that contains not just the factual account of the observation, but also conclusions and recommendations that the state in question is expected to pay heed to. Once the report is declassified by the Bureau it becomes a public document.

PACE is not the only international institution engaged in election observation. Our traditional parliamentary partners are the OSCE PA and the European Parliament. In the field, normally, parliamentary observers draw upon the logistical support of ODIHR election observation missions. Of late it has become standard practice that the three parliamentary partners and ODIHR act jointly as an international election observation mission whose findings and recommendations are closely coordinated. This is done with a view to making sure that the message sent by international observers to the state concerned is coherent and there is no forum shopping. One should not rule out a situation where the three international parliamentary institutions enter into an even closer interaction through signing an agreement on their joint observation activities.

Election observation operations are a cooperative exercise. The purpose is to help, and not to level critique at a state and its institutions. Election observation is not a precise science. It is furthermore important to have politicians, people with first-hand knowledge and long-time experience, act as observers guided by their political flair and experience.

We are currently finalising our election observation web page which will contain all relevant PACE documents, including the texts of reports and press statements.