

The OSCE/ODIHR PRESENTATION

Mr. Chairman,
Distinguished colleagues,
Ladies and Gentlemen,

This year we are marking the 30th anniversary of the Helsinki Final Act and the 15th anniversary of the Charter of Paris for a new Europe. These two documents are keystones in human dimension architecture and have provided the foundation to ensure full respect for human rights and fundamental freedoms, including democratic elections.

OSCE participating States "declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government".

Over the years, the ODIHR has developed a broadly accepted methodology for observing elections. It covers all elements of the electoral process, namely the legal framework; the administration of elections; the election campaign and the media environment, as well as voting, counting and appeals.

The ODIHR election observation missions have so far been active in more than 30 participating States, including France, Spain, the UK and the USA.

I would like to give an update on the ODIHR's election-related activities since we last convened during the 2004 ACEEEO Annual Meeting. Since that time, the ODIHR has deployed observation and assessment missions to the following participating States: Albania, Belarus, Bulgaria, Moldova, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Romania, Tajikistan, Ukraine, the United Kingdom, the United States and Uzbekistan.

A fundamental tenet of election observation is the requirement for transparent and regular public reporting. As always, ODIHR reports that have been issued prior, during and subsequent to each of these missions, including Needs Assessment Reports, pre-election Interim Reports, Preliminary Post-Election Statements, Interim Recommendation Reports as relevant and Final Reports, are posted on the ODIHR website. Each year we update a CD with all ODIHR preliminary statements and final reports, and the most recent version including all reports issued between 1996 and 2004 included can be found on the table outside.

We currently have a mission deployed in Azerbaijan in the context of the upcoming 6 November parliamentary elections. In the last week, we have just completed a Needs Assessment Mission to Kazakhstan in the context of the presidential election, now scheduled for 4 December of this year, and we will be issuing our subsequent report in the coming days.

The ODIHR has deployed, in cooperation with the OSCE Secretariat, an Election Support Team to Afghanistan in the context of 18 September parliamentary elections. This is not an observation mission culminating in the assessment of the election process in line with OSCE commitments or other international standards, but is a technical mission intended to provide a set of recommendations to the Afghan authorities upon the completion of the election process.

In the context of out-of-region activities, I would also like to note that the ODIHR, in cooperation with the Secretariat, conducted a Training Needs Assessment Team visit to the Palestinian Territories during the 9 January Palestinian Authority presidential election.

The ODIHR has adapted its observation methodology to respond to specific circumstances arising in the context of election observation. For example, some observation missions have been limited to a long-term team, without the presence of short-term observers on election day. This has been the case in countries where past experience or a needs assessment mission indicates that serious problems on election day are unlikely at the polling-station level but that observation of the long-term process might still produce useful recommendations. Alternatively, a mission may not deploy short-term observers if it is clear at the outset, or becomes clear during the course of the election process, that conditions have not been established for a meaningful voting day.

Another initiative taken by the ODIHR to fulfill its mandate has been the development of election assessment missions. An assessment mission is normally deployed to assess elections in longer-standing or post-transition democracies and focuses on specific issues and the implementation of best practices. An assessment mission generally consists of a team of experts who visit a country for a relatively short period of time before and on election day. An assessment mission has the possibility to address issues pertaining to the overall administrative and legal framework for the conduct of elections, issues that affect elections at both the state and regional level, and polling-station procedures on a rather limited basis. Recommendations are provided as necessary.

Following upon the 2004 Supplementary Human Dimension Meeting on Electoral Standards and Commitments, in April 2005 we met and discussed election issues of interest to participating States entitled "Challenges of Election Technologies and Procedures". We were especially pleased that a few key members of the ACEEEO actively participated in these events. On the occasion of the 2005 SHDM, the ODIHR also launched the updated and expanded fifth edition of its Election Observation Handbook, which reflects accumulated experience over the past decade.

Nowadays the ODIHR to pursue three follow-up initiatives:

The first initiative includes an expert meeting to consider the need – if necessary- for developing additional commitments to supplement the existing ones- a "Copenhagen Plus" discussion. This meeting was held 6-7 September, and the discussion was very much focused on the principles of transparency, accountability and public confidence. The ODIHR is presently distilling the results of the meeting into a set of Explanatory Notes, outlining the rationalization for advising on any additional commitments to supplement the existing ones.

There are two additional points that I would like to add while discussing the so-called "Copenhagen Plus" discussion. Firstly, this is not a new discussion, since "Copenhagen Plus" has effectively been an ongoing process, represented by a series of Declarations and Decisions undertaken by participating States since the 1990 Copenhagen Conference on the Human Dimension. Secondly, OSCE election commitments are not limited to paragraphs 6-8 of the Copenhagen Document, as essential commitments on human rights and fundamental freedoms, necessary to a meaningful democratic election process, are contained throughout the Copenhagen Document.

The second initiative is a meeting on election observation and assessment methodologies, to be organized by ODIHR, and to include technical experts from participating States, relevant inter-governmental and non-governmental organizations. This meeting is now being considered for the second half of November.

The third initiative is the observation of new voting technologies. The ODIHR plans to call a meeting of election administration and other technical experts to discuss the relevant issues related to the observation of electronic voting possibly in early 2006. Prior to this,

the ODIHR will be consolidating its experience to date of observation of new voting technologies during the observation schedule up to the end of the year.

The ODIHR is participating in an ongoing dialogue on election observation with other international governmental and non-governmental organizations. This dialogue has included ODIHR participation in several meetings of the leading governmental and non-governmental organizations active in the field of election observation, which will culminate in the endorsement of a UN sponsored Declaration of Principles for Election Observation. In addition, the ODIHR has hosted a visit of representatives of the Commonwealth of Independent States in early 2004 to give a briefing on its election observation methodology, and ODIHR representatives received a reciprocal briefing on CIS election observation during a visit to the CIS Secretariat in Minsk in June of this year. Also, the ODIHR participated in a meeting in 2004 hosted by the European Commission, which brought together a broad array of organizations from around the world involved in election observation. The ODIHR continues professional dialogue with the Association of Central and East European Election Officials.

Furthermore, in relation to domestic non-partisan election observation, the ODIHR will be hosting a meeting this weekend to provide domestic organizations with the possibility to come together and share their experiences. While international and domestic observation are distinct but complimentary activities, shared experience can be relevant to both of these respective undertakings.

While the ODIHR can note general improvements in the conduct of elections in some participating States, in others concerns remain, including:

- Limitation of competition of parties and candidates, diminishing voter choice;
- misuse of state administrative resources;
- pressure applied by the authorities to vote in a specific manner, particularly with regard to state employees and students;
- media bias, particularly with regard to state media, in favor of the incumbents;
- election administration whose composition is not sufficiently inclusive to ensure confidence;
- lack of sufficient voter registration guidelines and safeguards to prevent abuse;
- lack of transparency and accountability during the vote count, the tabulation of the vote and the announcement of results;
- complaints and appeals procedures that do not always permit a timely and effective redress of complaints;
- lack of sufficient will to rectify identified shortcomings.

As previously, the ODIHR will continue to develop its follow-up efforts in order to assist States in implementing their commitment "to follow-up promptly the ODIHR's election assessment and recommendations." However, effective follow-up also requires effective cooperation from the respective participating State, including a clear statement of intent to follow-up, and preferably a specific invitation for a follow-up dialogue to ODIHR reports. Such precedents have recently been demonstrated by the following participating

States: Kazakhstan, the former Yugoslav Republic of Macedonia, the United States of America, and Ukraine.

One element of ODIHR's ongoing follow-up are the legislative reviews that it conducts, often in cooperation with the Council of Europe's Venice Commission, to assist participating States to bring their election legislation more closely in line with OSCE commitments. Since the last year the ODIHR has undertaken legal reviews in the following OSCE participating States: Albania, Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Serbia and Montenegro, Ukraine, Uzbekistan.

In such cases, modifying the legislative and administrative framework for elections is not sufficient to guarantee elections in line with OSCE commitments. The conduct of democratic elections can only be established and maintained through a genuine political commitment.

We appreciate a constructive dialogue with ACEEEO and will looking forward to continue our good co-operation.

Thank you.