

**International Meetings on
Implementation of the Declaration of Principles for
International Election Observation**

Marlborough House, London, 31 May - 1 June 2006

Summary of Proceedings

Declaration of Principles for International Election
Observation and Code of Conduct for International Election
Observers

London, 31 May and 1 June 2006

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION AND
CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS
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Summary of Proceedings

In the summer of 2006 two meetings were convened in London by the Commonwealth Secretariat, the United Nations Electoral Assistance Division, the Carter Center and the National Democratic Institute. Both were concerned with the implementation of the *Declaration of Principles for International Election Observation* and the *Code of Conduct for International Election Observers*.

These were the first in a series of meetings to follow-up on the Working Session held at the United Nations in New York on 27 October 2005 by the organisations which had at that time endorsed the *Declaration of Principles* and the *Code*ⁱ.

Participants at the New York meeting had agreed on the need to maintain the momentum of the *Declaration of Principles* process, in particular by focusing on the challenge of implementing the principles elaborated in the *Declaration* and the *Code*.

The first of the London meetings took place on Wednesday 31 May and took as its theme "Facilitating Donor Involvement in Ensuring the Integrity and Effectiveness of International Election Observation". This was attended by representatives of a number of donor agencies and some of the organisations which had been involved in drawing up the *Declaration of Principles* and the *Code*.

On 1 June those who had participated in the previous day's meeting were joined by representatives of a number of other organisations which conduct international election observation and which have endorsed the *Declaration of Principles* and the *Code*. The theme for this meeting was *Challenges to Implementing the Declaration of Principles and Code of Conduct for International Election Observation*.

This is a summary of the two meetings. At the end of the text are two annexes. Annex One provides a full list of the participants at the meetings, Annex Two lists the organisations which had endorsed the *Declaration of Principles* and the *Code* at the time of these meetings.

Facilitating Donor Involvement in Ensuring the Integrity and Effectiveness of International Election Observation

Wednesday 31 May 2006

The meeting began with welcoming remarks by Mr Matthew Neuhaus, Director of the Political Affairs Division in the Commonwealth Secretariat, and British parliamentarian Rt Hon Bruce George MP.

Mr Neuhaus welcomed the participants to Marlborough House and thanked the UN Electoral Assistance Division, the Carter Center and the National Democratic Institute for their initiative in promoting the *Declaration of Principles* and *Code of Conduct*.

In a wide-ranging discussion on election observation Mr George emphasised how important it is that those who sponsor international election observation missions, especially the major inter-governmental bodies, should be true to the principles reflected in the *Declaration* and *Code*.

Both Mr Neuhaus and Mr George highlighted the importance of the role of the donor bodies present and the dialogue with them which the day's discussions was designed to promote.

Session One

Session One was designed as an opportunity for discussion of the principles which inform the *Declaration* and the *Code* and how they relate to observation on the ground.

Participants repeatedly referred to the importance of election observation and the value of the *Declaration of Principles* and *Code*. The task now was to build on the rapid progress that had been made in a relatively short period. The challenge was variously described as being to 'professionalise' observation and to enhance the integrity with which it is undertaken.

The discussion reflected a number of concerns. One was the need to improve communication between observers and to consider carefully factors such as the size of missions, the scope of their coverage, their duration, their composition and the possible impact of other 'capacity constraints'. Another was the impact of 'faulty observation' by partial observers. There was also reference to the threat to the integrity of election observation posed by some 'host' governments (which might use pressure to ensure 'positive' outcomes) and sometimes by donors (which are subject to conflicts of interest between the demands of democracy and their economic and security interests).

Participants' contributions on how improvements might be made for the future clustered around three themes: ways in which the *Declaration of Principles* and *Code* might be used to improve observation activities on the ground; the need to devote special attention to the news media; and the factors involved in the allocation of resources by donors.

It was suggested that one way of ensuring that all observation is brought up to the standard envisaged by the *Declaration of Principles* and *Code* might be by developing improved mechanisms for co-operation and communication amongst the bodies which make up the 'global community' of organisations which send international election observers. In this context it was proposed that a more systematic sharing of information and the development of a web-site might help, and that more experienced organisations should provide assistance to those with less experience.

A number of speakers proposed that more attention should be paid to the international news media's understanding of election observation, both through the efforts of individual organisations and perhaps also by means of an organised initiative.

Several participants spoke about the importance of the role of the donors. Reference was made in particular to the 'competition' for donor resources between election observation and technical assistance and the importance of donors to follow-up.

Session Two

This Session was dominated by two themes: the key elements in impartial and professional election observation and ways of improving co-ordination between the sponsors of international election observation activities.

Participants underlined the importance of the adoption of professional observation methodologies from the planning stage through to the preparation of the final report, the need to ensure the financial and political independence of the observers and the importance of ensuring that observers' reports were an honest reflection of what they had actually seen and felt rather than what it might be convenient for them to report. They also stressed the need to work closely with domestic observers, observing over the long-term (both before and after elections) and engagement throughout the electoral cycle.

As sub-themes of this discussion there was reference to the need for great care in the selection and training of the observers, the role of specialised missions (on, for instance, voter registration or the media), the advantages of scale and the impact of inadequate funding on the overall quality of the observation.

It was pointed out that the *Declaration of Principles for International Election Observation* and *Code of Conduct for International Election Observers* made specific reference to the basic conditions which need to be met before international observers are sent (Article 12) and that it also provided guidance in cases where observation might be interpreted as conferring legitimacy on a particular electoral process (Article 11). It was suggested that regional organisations might have a particularly important role in popularising the *Declaration of Principles* and the *Code of Conduct*.

On co-ordination it was suggested that there should be regular, possibly annual or even twice-yearly, informal consultations, on the *Declaration of Principles*, the electoral calendar and common challenges. There was consensus that co-operation should not be over-institutionalised. It was suggested that observers on the ground should do more to share information and to harmonise methodologies.

Representatives of a number of donor organisations spoke about the key issues in their work concerning the observation of elections and the promotion of democracy. One theme which was common to all their contributions was the importance of linking-up the conclusions and recommendations of election observers to other strands in governmental and inter-governmental activity.

Session Three

This Session focused on follow-up to the recommendations of election observer groups.

Examples were given of ways in which particular election observation activities had been followed-up and the mechanisms which specific organisations use to promote follow-up. Several participants spoke about the critical importance of political will - on the part of the governments which invited observers, the organisations which sent them and the international community as a whole. Reference was made to the tendency of donors to seek 'savings' by making cuts in the area of follow-up.

It was suggested that follow-up should not amount to a 're-negotiation' of the original observation report. It should also not be seen too narrowly. Rather it should concern the full range of administrative, legal and political conditions which affected the democratic arrangements of a country, including the very structure of the election management body itself. It was essentially a matter of promoting political as well as legal and administrative reform. Participants also emphasised that follow-up should start at the very beginning of the electoral cycle, and that it was necessary to take a long-term perspective. There should be follow-up not only with governments and election management bodies but also with civil society, in particular with non-governmental 'democracy monitors' and political parties.

It was further argued that such follow-up would be more effective if development agencies could be persuaded to integrate the output of election observation into their work, and see the linkages between development and democracy. Reference was made to the need to be selective in order to ensure maximum impact. It was suggested that when invitations to observe were received invitees should be told that they would be entering into a 'democratic dialogue' covering the whole electoral cycle, not merely inviting observers to one discrete event. A number of participants spoke about their willingness to consider organising follow-up missions jointly with other bodies which had sent observers, and then reporting to donors and embassies on their assessments of progress made and what still needed to be done.

The day ended with a Reception hosted by Commonwealth Secretary-General HE Rt Hon Don McKinnon for participants and invited guests.

Challenges to Implementing the Declaration of Principles and Code of Conduct for International Election Observation

Thursday 1 June 2006

In welcoming the participants the Commonwealth Secretary-General, HE Rt Hon Don McKinnon, said it mattered that election observation should be undertaken in line with the highest standards of professionalism and integrity. He emphasised the need to be sensitive to the context in which the observation was taking place, to engage as long in advance as possible and to organise effective follow-up. The Commonwealth Secretariat would play an active part in ensuring that the guidance provided by the *Declaration of Principles* and *Code* would be reflected in its own practice. It was important that it should now take the form not of an initiative of the UN, NDI and Carter Centre supported by others but of a joint endeavour of all those present. He recalled the words of UN Secretary-General Kofi Annan who had said that "until now there has been no set of commonly held standards governing this important work. Now there is – and we must make full use of them". In conclusion, Mr McKinnon warned that "all must be on board". There "must be no 'two-speed' international community when it comes to observing elections, with some observers part of a future of professionalism and integrity and some others not".

His remarks were followed by opening statements by Pat Merloe (National Democratic Institute) and David Carroll (Carter Center), whose organisations had played a central role in fostering the *Declaration of Principles* and *Code* process. Pat Merloe reported that twenty-five organisations had now endorsed the *Declaration of Principles* and *Code*. The task before this meeting was to carry the process forward. David Carroll said that the process marked the 'coming of age' for election observation: the public nature of the process was now creating considerable momentum.

Session One

The theme for this Session was "monitoring the integrity of electronic electoral technologies", in which context reference was made to the use of such technologies throughout the process - in boundary de-limitation, voter registration, voting and the results process.

There was consensus that, in the words of one of those introducing the session, the task was to limit the space for malpractice and to discuss how observers should prepare themselves for a future in which electronic technologies would play an increasingly important role. For election management bodies the key issue – as with all other elements in the electoral process – was ensuring trust and confidence all round. This was a

particular challenge so far as electronic technologies were concerned, since public fears were considerable, focusing especially on flaws in the technology itself, the scope for deliberate manipulation and lack of familiarity with the systems involved.

It was argued that political parties and domestic observer groups needed to be involved from the outset. Election management bodies also had to insist on their ownership of the codes to the software. However, participants suggested that perhaps the most important issue for observers was ensuring that the election management body provided them with access to the electronic technologies. A number of examples were given of recent elections at which access was denied altogether.

At the same time, even if access was provided observers needed to be able to make good use of the opportunity. Observers therefore needed to consider how their operational methods should be adjusted to take account of the use of technology (for instance, to enable them to audit not only the software but also the procedures effectively) and the new skills that would be required. It was suggested that before and after the main observation itself bodies sponsoring observer groups should send study missions to consider the role of electronic technologies in the process; experts should also then be embedded in the main observer teams.

Those involved in funding the electoral process themselves needed to think carefully before investing in it. At the very outset donors needed to ensure that countries requesting assistance were pursuing responsible policies so far as electronic technologies were concerned. Donors had an important role in ensuring that technology was introduced in an appropriate way. Amongst the considerations mentioned were that it needed to be introduced gradually over time and it all needed to be done in an open and transparent way and in a manner that promoted trust. Similarly, those providing technical assistance needed to look at the implications of the use of electronic technologies for their work. Reference was also made to the activities of the vendors and of computer experts: neither should be allowed to drive the process.

For election management bodies, donors and observers the critical issues were transparency, access and security and how standards can best be developed for the use of electronic technologies.

Session Two

Participants were asked to consider "critical pre and post election day issues that are thus far not sufficiently monitored". It was suggested that these included constituency de-limitation, voter registration (including the claims and objections processes), campaign finance and expenditure, the role of the media – including the "new media", such as the internet - and election complaint processes after the election day. These issues were not peripheral but central to the electoral process and the credibility of observers was at

risk if they did not find a way of developing their methodology to take account of this.

A number of participants referred to post-election observation and, in particular, how long observers should stay after the election. It was suggested that this might extend up to the point at which a government was formed. However, most of the discussion concerned the pre-election phase.

It was argued that the adequacy of observation in the pre-election phase was linked to the point at which observation was begun, which was in turn related to how early the invitation was received and the expectations of the inviting agency and the invitee. One participant stated that his organisation had a specific mechanism to ensure member states provided early invitations. Several referred to the importance of the use of long-term observers or other forms of 'advance observation', for instance of voter registration. It was suggested that this should extend to establishing offices months before the election and argued that if pre-election assessment missions were built into the observation methodology this would itself promote earlier invitations. Where international organisations could not be present in advance themselves they should use the reports of others who had been able to send pre-election missions, since these could give 'early-warning' on key issues.

There was debate on how selective and targeted the organisations sponsoring international observation can be and the implications for resources and staffing if they are not. There was also discussion as to whether technical assistance experts should be used to inform observers (and the wider question of whether technical assistance and observation could be undertaken by the same organisation, and if so how this could be done to avoid accusations of conflict of interest).

One major theme in the discussion was the proposal, made by a number of the participants, that international observers might obtain information on the phases of the process for which they were not present through enhanced co-operation not only with domestic observers – who were present and very often operating to a high standard - but also with political parties, since the parties had the greatest access to the process. It was also felt that international observers should also undertake more joint activities in order to cover the present 'gaps' in coverage.

Session Three

Following the previous day's discussion on post-election follow-up, participants devoted this session to ways in which the recommendations of international election observation missions could be more effectively followed up.

As one participant observed, election observation missions were the 'tip of the iceberg': continuing effort after they had left was crucial for the improvement of processes and the development of democracy. During the

course of the discussion participants referred to a number of cases in which attention to follow-up had made a major difference. There was consensus that follow-up needed to be systematic and consistent, that the key instrument was that of the early 'follow-up visit' and/or 'round table' with all the actors, and, crucially, that there needed to be both political will all round and continuous action throughout the electoral cycle. For the atmosphere to be conducive to change it was vital that all actors should be willing to co-operate. While capacity building might legitimately form part of the follow-up, the key concern had to be political and legal action for the reform of the system. It was suggested that follow-up should encompass both action on the full-range of observer recommendations and specific visits to target particular areas.

The role of particular actors was examined in detail. That of the 'host' government was clearly critical, but also potentially problematic where it was itself the author of the main obstacles to democratic progress. It was stressed that 'host governments' should not regard follow-up visits as opportunities to renegotiate the content of the original observation report, or to select certain recommendations and ignore others. The key with 'host governments' was felt to be sheer persistence and the building of trust and confidence and, as a result, an effective dialogue.

Participants argued that bodies sponsoring international observers needed to link-up with the rest of the international community, in particular donors and foreign ministries, who might then in turn provide incentives for improvements by host governments. It was suggested that inter-governmental organisations had an especially important role in this context. Membership or potential membership of an 'inter-governmental club' might provide an incentive to governments to initiate and sustain reform. One specific suggestion was that intergovernmental organisations should call for reports from their members on what was being done to reform democratic arrangements. Inter-governmental bodies might usefully produce annual reports on the democratic performance of member governments. It was also suggested that appraising the development banks of the recommendations of international observer reports might provide an additional lever for positive change. Participants again argued that the 'observation family' should also look to the development community, urging it to use its influence as a pressure for democratic change. Democratic considerations needed to be mainstreamed into development programmes.

Follow-up should not take the form of an exclusive dialogue with the authorities – round tables and visits should include civil society too, since it was important that there should be effective follow-up by and with local actors themselves. Political parties and NGOs had to be part of the process but, once again, domestic observers had a key role to play. Many were now active throughout the electoral cycle and were essentially pressure groups for democratic change as much as they were observers. They could pick up the recommendations of international observers as well as their own. It was

suggested that they too might usefully produce annual reports on their country's democratic development, while the role of the bodies sponsoring the international observers should be to create the pressure necessary to allow the domestic observers to make progress in promoting change.

As for the bodies sponsoring international observers, there needed to be close cooperation between them, especially in order to 'open the doors' to follow-up and to reduce the opportunity for governments to play one off against another.

Representatives of the governments and donor organisations present reaffirmed the importance of information sharing and said that observer reports were helpful to them, both for purposes of political dialogue – they provided a basis for determining the direction and nature of the discussion with governments – and for decision-making on the funding of projects and other assistance. They urged that bodies sponsoring international observation should not only send them their observers' reports but, crucially, seek to meet with the donors to discuss the observers' recommendations.

Session Four

The purpose of this session was to hear reports on the implementation of the *Declaration of Principles* and *Code on Conduct* and to discuss "where we go from here".

Several bodies which organise international election observation reported on the ways in which the *Declaration of Principles* and *Code* had been mainstreamed into their work. The two documents had been distributed internally to the members of governing bodies and staff, and externally to governments, diplomatic missions, parliamentarians and others in the international community. The texts were on endorsing organisations' websites, in some cases for so long that the site managers were now considering ways of freshening up the presentation.

In the field the *Declaration of Principles* and *Code* had been given to observers to read and sign, as an indication of the standards that needed to be met and the approaches that should be followed. Some organisations reported that the texts were also given to local stakeholders, for their information. In some cases specific references to the *Declaration of Principles* and *Code* were made in the observers' statements and reports and one inter-governmental organisation reported that reference to the two documents was now routinely made in the Memoranda of Understanding agreed with member countries prior to the observation of their elections. It was reported that they had been translated¹ into several languages and that

¹ The languages into which it has been translated include French, Spanish, Russian, Arabic, Chinese. Translations into other languages are anticipated. During the course of the discussion reference was made to the translation into French and it was agreed to have a further look at sections of this, with a view to ensuring that the translation is as accurate as possible.

the international democracy NGOs present had disseminated the documents through their field offices.

It was generally felt that despite the work that had already been undertaken much more could be done to popularise the *Declaration of Principles* and *Code* and to ensure the wider dissemination both of the texts and the ideas represented in them. Reference was made to using them more in the training of international observers and with 'stakeholders' in the field, and at a broader public level. It was suggested that shorter versions of the *Declaration of Principles* and the *Code* might help.

There was agreement that all present should consider which audiences they might be missing: for instance, election management bodies and key personnel in partner organisations. It was suggested that the World Bank and the Democracy Fund at the United Nations should be introduced to the proposals, and that much more should be done with civil society, with parliamentarians and with the news media. In the case of the news media it was recommended that when an observation mission takes place the attention of the media should be drawn to the *Declaration of Principles* and *Code*. Similarly, opinion articles could be submitted to influential newspapers.

The other issue which dominated this session was how bodies which organise election observers can improve communication, co-operation and co-ordination between themselves. There was consensus that information exchange was a good idea, but that the mechanisms employed should not be too bureaucratic. Co-operation should be informal and arrangements should not be over-institutionalised. It would be going too far to establish an association of election observing bodies. The idea would not be to standardise, but to draw on the strengths of all concerned, to harmonise and to professionalise.

An "annual review meeting" of the global election observation community was felt to be a good idea, taking the *Declaration of Principles* as the starting point, but also providing for a forum for an exchange of experiences and ideas, discussion of best practice and debate on key issues. There was some feeling that while lessons learnt was a worthy end in itself there must also be space for discussion of ways in which those represented could work in association with each other.

Participants welcomed an offer by the Organisation of American States to host such a meeting in 2007, and it was agreed that further consultation should follow as to exactly when this might take place. It was understood that there would continue to be an informal process of exchanges in between such meetings and suggested that there might also be workshops or seminars on specialist issues, such as the use of technology, or the news media.

The suggestion of a dedicated web-site, to record endorsements and act as a home for other key items, was widely welcomed and it was reported that the matter was still under consideration at the UN. If it proved impossible for the UN to take on this responsibility it was suggested that consideration might be given to the web-site proposal amongst other bodies involved in the process. In the meantime the summary record of this meeting would be sent to participants and others by e-mail. E-mail could also be used to share electoral calendars and election observation reports, to exchange enquiries and information and to track progress following elections.

There were expressions of thanks all round. Mr Matthew Neuhaus brought the meeting to an end with concluding remarks on behalf of the Commonwealth Secretariat. It had been a most constructive meeting and he emphasised how important it had been that several major donor organisations could be involved in the dialogue. So far as the Commonwealth was concerned there were two key points: that much more should be done to ensure adequate follow up after election observers had reported, and that everyone must move forward together – as the Secretary-General had said, there must be no ‘two speeds’. The meeting came to an end.

ⁱ The *Declaration of Principles for International Election Observation* and the *Code of Conduct for International Election Observers* are the result of extensive discussions and collaboration over a number of years among representatives of a range of inter-governmental and international non-governmental organisations that conduct international election observation.

Those discussions led to an October 2003 meeting of fifteen organisations, convened by the UNEAD, NDI and The Carter Center, at The Carter Center in Atlanta, Georgia. The participating organisations agreed there that a *Declaration of Principles* and *Code* would advance election observation, and they discussed the elements and content that should be included in such a document.

Over the course of 2004 discussions about the texts continued, including at a September 2004 meeting hosted by the European Commission in Brussels that discussed a draft of the *Declaration of Principles* and *Code*. Further consultations and consensus-building followed until mid-2005, when a final document went to the organisations for formal endorsements.

The 27 October 2005 meeting at the United Nations in New York was held to commemorate the endorsements of the *Declaration of Principles* and *Code of Conduct* by twenty-one inter-governmental and international non-governmental organisations. The endorsement ceremony included keynote addresses by UN Secretary-General Kofi Annan, former US President Jimmy Carter, former Secretary of State Madeleine Albright and Organisation of American States Secretary-General Jose Miguel Insulza.