

**FIFTH MEETING ON THE IMPLEMENTATION OF THE  
DECLARATION OF PRINCIPLES FOR INTERNATIONAL  
ELECTION OBSERVATION**

ATLANTA, GEORGIA OCTOBER 13 – 14, 2010

**SUMMARY OF PROCEEDINGS**

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# FIFTH MEETING ON THE IMPLEMENTATION OF THE DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

## *Summary of Proceedings*

### INTRODUCTION

On October 13 – 14, 2010, The Carter Center in Atlanta, Georgia hosted the 5<sup>th</sup> *Annual Meeting on the Implementation of the Declaration of Principles for International Election Observation*. The meeting was attended by representatives of organizations that have endorsed the Declaration of Principles for International Election Observation as well as other organizations whose work intersects with election observation. Over the course of the two-day meeting, participants took part in nine sessions that covered a range of topics important to election observation. Meeting sessions focused on three overarching questions:

- **Follow-up:** How can election observation organizations promote more effective follow-up to observation missions, e.g., with greater coordination and cooperation among observers, including on follow-up to recommendations of observation missions;
- **Sustainability:** How can observer groups ensure greater sustainability of electoral processes and systems, so that the recommendations of observer missions take into consideration the practical limitations of resources in many countries;
- **Methodology:** How can election observation group address challenges and lessons learned regarding the integrity of election observation missions, including ways to improve observation methodology?

In this context, the meeting included discussions focused on exploring principles for observing electronic-voting, as well as sessions on different types of observation mission models and new tools and developments in the field of election observation.

To facilitate discussion of these and related topics, the meeting included sessions on the following:

- Presentations and discussion of cases studies on recent observation missions to Haiti and Sudan;
- Plenary presentations and break-out sessions on two major topics: (1) Election Observation Mission Follow-up; and (2) Observing Electronic Voting and Technology in Elections. As background, and as a means to promote agreement on concrete steps forward by the community of observation organizations, Background Discussion Papers and DRAFT Guiding Principles on these two topics were prepared for participants to review at the meeting;
- Presentations on several “showcase” topics relating to new tools and developments:
  - An independent review and discussion of different types of election observation mission models and observation methods used by the endorsing organizations;
  - A panel presentation on the Global Principles for Nonpartisan Domestic Election Monitoring spearheaded by the Global Network of Domestic Election Monitors (GNDEM), the National Democratic Institute (NDI) and the United Nations Electoral Assistance Division (UNEAD);
  - Introduction of a new online portal at the ACE Website on the Declaration of Principles aimed at fostering coordination and information-sharing among endorsing organizations and;
  - An overview of The Carter Center’s Database of Obligations for Democratic Elections.
- A plenary panel discussion of challenges to electoral integrity and election observation posed by restrictive host countries; and

- A final plenary session on methodological challenges and other difficult observation issues, with an eye towards looking ahead to the 2011 Declaration of Principles meeting.

At the close of the meeting, the European Union (EU) reconfirmed that it will host the 2011 Declaration of Principles meeting in Brussels, Belgium while NDI volunteered to host the meeting in 2012 in Washington, DC.

The sections below provide a summary of key points and discussion from each of the main sessions.

### **Keynote Remarks**

- *President Jimmy Carter, The Carter Center*
- *Nicolas Kaczorowski, Organization for Security and Cooperation in Europe – Office for Democratic Institutions and Human Rights (OSCE/ODIHR)*
- *Craig Jenness, United Nations Electoral Assistance Division (UNEAD)*
- *Patrick Merloe, National Democratic Institute for International Affairs (NDI)*

**President Jimmy Carter** initiated remarks and provided a summary of the major issues confronting contemporary election observation efforts – specifically in regard to sustainability, follow-up and methodology. He stressed that having honest and open elections reassures voters that the electoral process is fair. After drawing attention to the United States’ own difficulties with regard to fair electoral processes, President Carter highlighted the growing trend towards the use of electronically automated voting systems along with its potential shortcomings. He concluded his remarks by emphasizing the important role domestic observers play in promoting both democratic elections and sustainable electoral processes. He also stressed his hope that endorsing organizations will cooperate more closely on post-election follow up, thereby helping to strengthen democratic processes.

**Nicolas Kaczorowski** of the **OSCE/ODIHR** noted the importance of the annual Declaration of Principles meeting, focusing his remarks on the main conclusions of the 2009 meeting in Warsaw. He highlighted the theme of electoral integrity and the need for greater focus on issues related to post-election observation, observation of electoral violence, and how endorsers could more effectively work with outside organizations such as election management bodies (EMBs) and United Nations’ organs. He ended by stating that the most important advance in the Declaration of Principles meetings has been the increasing emphasis placed on concrete action which can lead, in the long term, to more credible election observation.

**Patrick Merloe** of **NDI** noted that election observation is an area that continues to gain increasing recognition. He stressed there are key challenges to achieving continued progress in the arena, including the need for: 1) organizations to more effectively harmonize their efforts; 2) more effective collaboration with non-observers endorsers of the Declaration of Principles; 3) greater coordination in follow-up on recommendations; 4) participant organizations to work together to address challenges to electoral observation and; 5) closer cooperation with non-partisan citizen efforts.

**Craig Jenness** of **UNEAD** commented that because elections themselves can incite conflict and violence, international election observation can potentially play a critical role in electoral processes. Jenness added that the Declaration of Principles meetings help ensure observers are accountable for the role they play in many electoral processes and in facilitating discussion and debate of complex issues the election field faces. In conclusion, Jenness highlighted the key meeting themes of sustainability and follow up, stressing the need for election practitioners to balance their recommendations with the practical realities

and potential constraints of the countries in which they work. He urged participant organizations to make efforts to give consistent advice and clear, strategic recommendations.

### *Election Observation Case Studies*

- *Moderator: Pietro Ducci, European Parliament*
- *Presenters:*
  - *Colin Granderson, Caribbean Community (CARICOM)*
  - *Craig Jenness, United Nations Electoral Assistance Division (UNEAD)*
  - *Denis Kadima, United Nations Integrated Referendum and Elections Division (UNIRED)*
  - *Malgorzata Wasilewska, European Commission*
  - *Brett Lacy, The Carter Center*
  - *Guy Tapoko, The African Union*

During this initial session, groups that either deployed or will deploy election observation missions to Sudan and Haiti made brief presentations on their missions. They focused particularly on key challenges to observation and on the themes of sustainability, follow-up and methodology.

#### Haiti

**Colin Granderson** of **CARICOM** initiated discussion by focusing on issues expected during upcoming elections in Haiti, including many logistical difficulties that may impede and slow down the election process. He also expects complications to arise in regard to financing the elections. In addition, the presence of a large number of displaced persons is anticipated to compound preexisting administrative challenges to registering voters. Finally, he expressed concern that public mistrust of the electoral commission in Haiti will hinder electoral progress as well.

To help ease these possible challenges, Granderson emphasized Haiti's need to better ensure security during the elections, particularly since the nation has a history of election-related violence. Additionally, he stressed Haiti's need for increased technical capacity to guarantee election technologies can be implemented.

He noted that the CARICOM/OAS mission is making efforts to work closer with domestic observers as a means of increasing public trust in the upcoming electoral process. Granderson also stressed the potential role political parties may play in making the electoral process credible.

**Craig Jenness** of **UNEAD** noted his support of the major points Granderson made, adding that there are heightened concerns regarding the aftermath of the elections and acceptance of the results. Jenness again highlighted the issue of sustainability stating that it is essential for Haiti to create trusted institutions that can administer cost-effective electoral processes.

#### Sudan

**Denis Kadima** of **UNIRED** provided background on current preparations for the 2011 referendum in Sudan. Unfortunately, planning is behind schedule and there remain a number of pressing administrative and logistical concerns, including security and the lack of infrastructure in Southern Sudan. Kadima also added that because the law governing the referendum is ambiguous in many respects and funding for the referendum has stalled, the preparatory process has been adversely affected. He concluded by noting that there are a number of issues of which observers must be aware, including turn-out thresholds and the reality that North and South Sudan each have competing interests which may influence the process.

**Malgorzata Wasilewska** of the EC noted that the April 2010 elections in Sudan were amongst the most sensitive missions for the EU. She commented that the International Criminal Court's indictment of Omar al-Bashir created a considerable challenge for the EUEOM. In addition, because the EU standard observation methodology did not include observation of voter registration, the mission received criticism for this regarding the 2009 – 2010 election process and the EUEOM came under intense media scrutiny which was challenging. For the upcoming referendum, the EU plans for the first time, to send a team of independent experts to monitor voter registration. The EU may consider issuing a public statement on the process.

**Brett Lacy** of **The Carter Center** noted that The Carter Center observer mission in Sudan appreciated close coordination with other observer groups since it helped them better learn how to adapt to the changing political environment on the ground. Lacy noted a number of challenges the Center's mission faced including the lengthy electoral process; threats of intimidation and harassment of observers and; the security problems in some parts of the country, such as Darfur where the Center deployed observers. She concluded by stressing the importance of observer missions issuing public statements that are honest and diplomatic, even during challenging circumstances.

**Guy Tapoko** of the AU noted the difficulties of observing in Sudan, particularly given the limited capacity of the electoral commission, and the difficulty that the AU had in issuing recommendations from their initial assessment. He continued by noting that the AU's second assessment mission in Sudan was more effective. However, issues pertaining to human rights and logistics-related problems still arose in the field. Tapoko went on to note that although Sudan has presented and faced many challenges on the electoral front, it should not be forgotten that the nation has recently emerged from a long period of repression and civil war, leading to a number of setbacks, including underdevelopment. Tapoko concluded by stating Sudan's elections should not be considered solely against the standards of more successful nations that have enjoyed peace, economic development and political stability for quite some time, but as a historic stepping stone that indicates positive changes to come.

### **Election Observation Mission Models and Developments in Methodology**

- *Moderator: Nicolas Kaczorowski, OSCE/ODIHR*
- *Presenters:*
  - *Michael Meyer-Resende, Democracy Reporting International (DRI)*
  - *Susan Hyde, Yale University*

Following presentations by Michael Meyer-Resende and Susan Hyde, participants discussed the implications of mission models and observation models on public statements and assessment reports.

**Michael Meyer-Resende** of **DRI** commenced his presentation by noting that observation missions can be categorized using two ideal type models: The “gold” standard, exemplified by a full mission that assesses all aspects of the election and provides an evaluation of the entire process and; the “glass half full” approach exemplified by smaller scale missions or missions with limited foci. Meyer-Resende posed the hypothetical question to participants whether one method is better than the other – is doing something, even if not ideal – better than doing nothing? Finally, Meyer Resende presented overviews of some of the characteristics of the different models of election observation missions of various observer organizations present at the meeting. He concluded, noting that organizations must face the challenge of striving to maintain a “gold standard” of election observation while also leaving room for the “glass half full” approach.

**David Carroll** of **The Carter Center** commented that it is critically important for observation missions to ensure that the limited scope of “limited / half full” missions are clearly explained to stakeholders and interested members of the public, so that they all understand what aspects of the process these missions can credibly assess, given the size and resources of such missions. Carroll added that where missions fail to provide such clarity and explanations, “limited / half-full” missions can be easily misunderstood and expected to have the same scope and assessment goals of “full / gold standard” missions, which is generally not the case.

**Susan Hyde** of **Yale University**, a political scientist, presented an overview of the election observation field before noting that challenges observer organizations currently face are likely different from those of the past. Accordingly, techniques should be adapted to reflect this evolution. Hyde used data from previous election observation missions to summarize some of her work. She made the principal finding that although the presence of independent election observers can reduce the occurrence of fraud on election day, observer presence can also have unintended negative consequences including displacing fraud to other areas or parts of the process (beyond election day) and inducing strategic manipulation.

Hyde also suggested that observation reports international election observers write can work effectively as an external pressure on governments and potentially catalyze action to improve the conduct of elections.

She then presented her findings on trends in election observation during the past two years, noting that inconsistency continues with regard to the use and meaning of the term ‘international standards’. In addition, similar inconsistency remains in the focus and methods organizations use during missions.

Hyde finished her presentation by addressing the notion that the resources and scope of election observation missions should, where possible, match anticipated challenges. This is especially important for missions where resources may be limited because, in such instances, having a narrower focus might allow for more efficient use of resources.

### **ACE Portal on the Declaration of Principles for International Election Observation**

- *Moderator: Avery Davis-Roberts, The Carter Center*
- *Presenter: Rushdi Nackerdien, International IDEA/ACE Project*

**Rushdi Nackerdien** of **ACE** discussed the new online portal on the Declaration of Principles, explaining that its primary goal is to allow for increased coordination amongst endorsing organizations. To achieve this goal, the portal will have:

- A common mission calendar where endorsing organizations can indicate their intentions to observe;
- All available observation reports for a particular country (with filter options) and;
- All available observation reports for a particular organization (with filter options).

Nackerdien emphasized the need for organizational buy-in of the website, and outlined next steps for making the portal a fully functional resource:

- Organizations would initially provide spreadsheets of their mission report data to ACE, and ACE staff would upload this information;
- Each institution would designate a focal person to upload documents onto the portal following the initial submission and;
- Each organization would be responsible for ensuring the portal content is up to date.

The long term goal is for organizations to independently upload and maintain information on the website. Nackerdien emphasized it is therefore important that at next year's Declaration of Principles meeting, participants decide the next steps for moving the portal forward. ACE will contact each endorsing organization regarding the timeline and plan for making the portal fully operational.

### **Global Principles for Non-Partisan Domestic Election Monitoring**

- *Moderators: Patrick Merloe, NDI & Craig Jenness, UNEAD*
- *Presenters:*
  - *Darko Aleksov, European Network of Election Monitoring Organizations (ENEMO)*
  - *Damaso Magbual, Asian Network for Free Elections (ANFREL)*

This session provided participants with an overview of the Global Network of Domestic Election Monitor's (GNDEM) recently drafted Global Principles for Non-Partisan Domestic Election Monitoring.

During this session **Patrick Merloe** (NDI) provided background on the advent of domestic election monitoring stressing that the synergy created between credible international observers and credible domestic monitoring groups improves the impact both groups have. He added that just as the international election observation has benefitted from the Declaration of Principles, so too will the domestic observation community benefit from having more consistent principles to guide their work. Thus, the Declaration of Global Principles (DoGP) arose as collaboration between regional networks of domestic observers.

In addition, the GNDEM serves as a resource for domestic groups (the website includes a library of over 1000 documents) and it can help international observers identify credible domestic observer partners with whom to work. Merloe noted that the DoGP will be open for endorsement by supportive international organizations and he encouraged meeting participants to consider providing such endorsement. David Carroll indicated that The Carter Center had already approved an institutional endorsement of GNDEM.

UNEAD representative **Craig Jenness** praised the GNDEM and the DoGP for bringing a level of professionalism and a set of best practices to domestic monitoring, stressing that GNDEM helps to promote transparency and credibility in electoral processes by strengthening citizen-led efforts. In his remarks, **Damaso Magbual** of ANFREL agreed that the DoGP helps to harmonize approaches to election monitoring, particularly by those who are willing and determined to help monitor elections. **Darko Aleksov** of ENEMO stressed that citizen observation is a growing movement. Standards realized through such observation help establish obligations for civil society, international observers and governments. Aleksov went on to emphasize the energy and work that human rights activists put into drafting the DoGP and encouraged organizations who have endorsed the Declaration of Principles to read and endorse the Declaration of Global Principles as well

### **Panel Discussion: EOM Follow – Up**

- *Moderator: Meghan Fenzel, NDI*
- *Presenters:*
  - *Malgorzata Wasilewska, EC*
  - *Nicolas Kaczorowski, OSCE/ODIHR*
  - *Craig Jenness, UNEAD*

Following an introduction to the session by **Meghan Fenzel** of **NDI**, panelists discussed challenges and lessons learned regarding follow-up to election observation missions, building on the themes highlighted in the Background Paper and the DRAFT Guiding Principles on Follow-up that NDI prepared.

**Nicolas Kaczorowski** of **ODIHR** observed that questions regarding observation follow-up arise repeatedly at the annual Declaration of Principles meetings, and that it is now time for endorsers to back up their words with action. In this light he noted several concrete steps that endorsing organizations might take to promote more effective follow-up:

- Formulating consistent, clear, recommendations that are grounded in international obligations and are prioritized;
- Obtaining buy-in from domestic stakeholders by working with them from the beginning of the process to promote follow-up;
- Encouraging broader follow-up with a range of stakeholders to encourage real dialogue and to coalesce the community around key issues; and
- Bridging the gap between observers and technical assistance providers in order to promote greater coordination.

**Malgorzata Wasilewska** noted the goal of certain EU missions, particularly in Mozambique, has been to provide ownership of the observation process to local stakeholders through roundtables and other activities. In addition, the work of DRI to follow up on recommendations at the political level in Pakistan has proven a successful model. Wasilewska advised participants that the EU is in the process of restructuring, and that a positive outcome will hopefully be greater coherence in mission follow-up. She stressed in conclusion that, in order for effective follow-up to occur, the international community must work more closely together.

**Craig Jenness** commented that the prioritization of recommendations is essential to more effective post-mission follow-up, adding that he hopes that organizations will become more strategic in how and to whom they present their recommendations. Otherwise, he fears electoral commissions may be hesitant to implement recommendations produced by various international election observation missions.

### **Break Out Session**

Following the panel presentations, participants divided in break-out groups to allow for more focused review and discussion of these issues, including the DRAFT Guiding Principles on Follow-Up prepared by NDI. A number of key points were agreed upon by working groups during the break out session:

- ***The need for clear and actionable recommendations*** – All groups agreed that recommendations should be as clear, specific and actionable as possible. Observers should clearly prioritize recommendations and carefully consider the impact the number of recommendations provided will have on the ability of election management bodies and others to implement them.
- ***Better dissemination of findings and conclusions*** – It was agreed that there needs to be broader and more active dissemination of mission findings and recommendations. Recommendations should be shared with stakeholders beyond the executive branch of government, for example with the legislature. In addition, organizations should consider holding round tables or other public events to ensure more attention is paid to mission findings. Some participants felt that the new ACE portal may provide a valuable tool for sharing recommendations with other endorsing organizations.
- ***Reviewing the implementation of previous recommendations*** – All organizations should review the recommendations made by previous missions and consider the degree to which they have been implemented, assuming that this will not over-burden the current mission.

- ***More coordination and cooperation among endorsing organizations and between observers and assistance providers*** – Endorsers should coordinate and collaborate more closely. This includes observation organizations sharing their findings and recommendations with endorsing organizations that do not observe, but who work with Parliamentarians or other stakeholders. In addition, there was agreement that observers must increase cooperation with election assistance providers.
- ***Follow-up on follow-up*** – A proposal was made that endorsers should identify case study countries in which they can pilot more coherent follow-up strategies and be prepared to report on these efforts at the next meeting. At the close of the meeting, nations proposed by the group as follow up subjects included: Afghanistan; Sudan; Nigeria; El Salvador; Nicaragua; Guatemala; Nepal and; one country from the OSCE area, possibly the Ukraine.

Some participants emphasized the degree to which political will impacts the implementation of recommendations. Participants also posed the question of whether follow-up falls within the mandate of international election observers, or if the responsibility for follow-up should more appropriately fall to technical assistance providers or others.

### **Panel Discussion: Observing E-voting and Technology in Elections**

#### **Case: Philippines**

- *Moderator: Jonathan Stonestreet, The Carter Center*
- *Presenters:*
  - *Damaso Magbual, The Asian Network for Free Elections (ANFREL)*
  - *Avery Davis-Roberts, The Carter Center*
  - *Bill Sweeny, International Foundation for Electoral Systems (IFES)*

This session began with short presentations on observing electronic voting, using the Philippines 2010 elections as a case study. Participants discussed recent methodological developments in the areas of technology in elections and e-voting, emphasizing common themes and approaches, and building on the issues highlighted in the Background Paper and the DRAFT Guiding Principles on Observing Electronic Voting that The Carter Center had prepared.

**Damaso Magbual** of **ANFREL** started the session by providing an overview of the voting system used in the Philippines prior to the 2010 election – noting the system left much room for human manipulation of voting results at various levels. To combat this, he explained that automated vote counting was introduced to restrict fraud in the tabulation of votes, and explained a number of issues that arose in implementing the system in 2010, including:

- The lack of technical capacity within the Philippines Commission on Elections (COMELEC) which resulted in a high degree of dependence on the vendor;
- The failure of some machines to operate correctly and;
- The short timeline for the process which resulted in the COMELEC being unprepared.

In regard to the outcome of the 2010 elections, the conclusion the information technology community reached was that the elections were unsuccessful, although 76 percent of the public felt it truly reflected the will of the people.

**Avery Davis-Roberts** of **The Carter Center** gave an overview of the Carter Center’s limited observation mission to the Philippines which was the third in a series of study missions to observe e-voting. The mission was limited in nature, and focused on developing improved techniques for observing electoral process that feature electronic voting and/or other highly automated processes. The mission included 3-4

experts and a small number of election day observers. While there, observers monitored both pre and post electronic tests. During pre electronic tests, as per regulation, tests were performed to ensure machine hardware and software components, operated properly, securely, and accurately. Pre testing also included the conducting of field tests and mock elections, among other procedures. The post electronic tests involved an audit scheme that consisted of two processes: a random manual audit to verify the accuracy of the machine count, and an unofficial audit conducted by an officially-accredited citizens group, to verify the accuracy of the results of the printed election returns against the electronically transmitted results.

In terms of the election itself, Davis-Roberts noted a number of additional short-comings, including:

- Ad-hoc decision making which led to confusion in many procedures;
- Late testing processes that resulted in the COMELEC having to withdraw 70,000 memory cards from polling stations and reformat and redeliver them in the final week before the election, thus muddying chain of custody procedures and;
- Unforeseen consequences of using the technology , including crowding at the polling stations caused by a reduction in the number of stations determined according to the number of machines; potential ballot secrecy issues; and delays in machines printing out results which in turn delayed the closing and transmission of polls.

Davis-Roberts closed by noting the Carter Center will update the Center's DRAFT methodology for observing e-voting, which was first published in 2007, and will also issue a report of the Center's observations during the 2010 Philippine elections.

**Bill Sweeny** of **IFES** discussed steps necessary to ensure election data systems work properly, adding that he felt large scale information technology use in elections may be risky but is in many ways inevitable. In regard to the COMELEC experience during the Philippines elections, Sweeny noted that the first step to effective technology procurement is to identify what problem needs to be solved. He added that COMELEC decided that two main problems it wanted to solve were: 1) time delays in counting ballots and; 2) transmitting results quickly to the public. However, the use of technology brought with it its own problems, including:

- Transparency regarding funding, procurement processes and planning;
- Training problems;
- Technical problems in the ballot count testing process;
- The high cost of election materials (e.g. \$8 privacy folders) which led to their being an insufficient number of crucial supplies; and
- The clustering of voting precincts.

In the discussion that followed, meeting participants noted a number of issues, including their concern that there appears to be a lack of knowledge transfer between countries using these technologies. Specifically regarding Venezuela, participants wondered why lessons learned during the 2004 Venezuela elections were not transferred to the 2010 Philippine elections. Venezuela conducts random manual audits on 50% of its electronic voting machines – a task that becomes all the more important in the event a discrepancy exists between paper ballots and the electronic tally. Also, participants suggested that safeguards such as these used in Venezuela, e.g., use of paper ballots and a system of audits, should be carried over to other nations that use electronic voting systems.

## **Break Out Session**

Following the panel presentations, participants divided into break-out groups for more focused discussion and review of the DRAFT Guiding Principles for Observing Electronic Voting that were prepared in advance of the meeting, as well as other related topics. Key points from the break-out sessions included:

- ***Observation Methods*** – Several groups discussed the impact of voting technologies on the practicalities of observation. In particular, participants were keen to continue collective discussion on audit techniques which might be employed by observers, how to observe and consider procurement and what form the analysis of source code might take. Participants stressed the need for observers to be confident in their methods, and to ensure adequate financial and human resources are available. Some participants questioned the impact that such technologies would have on traditional observation methods, and what role short-term observers might play. In this regard, they suggested that while the task of assessing the actual technology will largely fall to the technical experts, short-term observers on missions can assess the actual socialization of the technology in the communities. This level of analysis could then lead to a reexamination of current assumptions as to why we adopt certain types of technologies.
- ***Keeping up with technology*** – All groups noted the speed with which technology evolves, and expressed the need for observers to remain aware of the significant changes that are bound to occur in the coming years.
- ***Importance of principles*** – Participants generally agreed that the DRAFT document on Guiding Principles for Observing Electronic Voting covered many of the key issues. Most participants agreed that there are a number of fundamental principles that all systems should uphold including:
  - The will of the people;
  - Secrecy of the ballot;
  - The sustainability of electoral processes;
  - Inclusivity, transparency and accountability and;
  - Access to information.

In addition, participants voiced support for the Council of Europe’s Recommendation on legal, operational and technical guidelines for e-voting systems and the value of additional international documents on the topic.

## **Overview of the Database of Obligations**

- *Moderator: Domenico Tuccinardi, NEEDS*
- *Presenter: Avery Davis-Roberts, The Carter Center*

**Avery Davis-Roberts** introduced the Database of Obligations for Democratic Elections, which was the result of a multi-year project by The Carter Center in collaboration with observer groups, noting it was the product of a desire to use international obligations to aid observer organizations in carrying out their work more effectively. The database contains excerpts of almost 200 documents including international treaties, regional treaties, cases and judicial decisions, as well as teachings of scholars as evidence of good state practice. The Carter Center views the database as a larger package of tools for election observers that can help to ground assessment and analysis of elections in international public law and serve as a reference for observation missions. Davis-Roberts then gave a short overview of the key functions of the database and how Carter Center observation missions have been using the database. The database can be accessed by visiting The Carter Center website (<http://cartercenter.org/des-search/des/>)

### *Restrictive Hosts and Election Integrity*

#### *Cases: Ethiopia, Zimbabwe, Moldova, Nicaragua and Venezuela*

- *Moderators: Dieudonne Tshiyoyo, Electoral Institute for Sustainable Democracy in Africa (EISA) & Steve Griner, Organization of American States (OAS)*

During session eight, participants discussed challenges to international and domestic observers operating in restrictive environments, including consideration of strategies for mutual support among observers. Following review of a number of key case studies (Nicaragua, Venezuela, Zimbabwe and Ethiopia), participants identified some of the key ways in which observation efforts may be stifled, including:

- Failure to invite observation organizations;
- Restrictions on accreditation – for example only accrediting specific organizations, or specific nationalities;
- Accreditation of “sham organizations” whose observation methods used do not meet the standard of “international observer” as exemplified in the Declaration of Principles, and/or of “friendly organizations” who pay a fee to the host government before they can be invited to observe;
- Censorship and restrictions on issuing public statements and;
- Restrictions on freedom of movement.

Participants noted that the Declaration of Principles process has allowed endorsing organizations to work more closely with one another and to provide mutual support in such circumstances. Participants concluded the session on a more positive note, commenting that the push to put restrictions on election observers seems to be diminishing over time.

#### *Planning for 2011: Key Challenges and Issues Facing International Observation*

- *Moderators: Malgorzata Wasilewska, EC & David Carroll, The Carter Center*

During the final session, participants discussed plans for the next meeting which will be hosted in Brussels in 2011 by the EU, as well as immediate next steps from this meeting.

**Next steps:** **David Carroll** initiated discussion of immediate next steps from the meeting. Carroll indicated that comments on the DRAFT documents on Guiding Principles for Follow Up and on Observing Electronic Voting that arose during the meeting will be consolidated and disseminated to organizations after the meeting. In addition, organizations will have until December 1, 2010 to provide feedback they would like to have integrated. Endorsing organizations will also be contacted regarding feedback and follow up on the ACE portal.

**The 2011 Meeting:** **Malgorzata Wasilewska** suggested that the meeting will likely be held in October (with specific dates to be determined). Subjects from the 2010 meeting that will be discussed include: the documents on Guiding Principles on Follow Up and on Observing Electronic Voting; the ACE portal and; the Database of Obligations. Wasilewska stressed the importance of the Mission Follow-Up issues and urged that it not fall off the radar until the group is satisfied with the result. She also underscored the importance of the Mission Models discussion, and developing ways for participant organizations to be more self-critical and reflective of their work.

Wasilewska also suggested the group should focus next year on how elections feature in the larger theme of democratization. Hopefully this will allow for the major issues of follow-up, etc. to be addressed more efficiently. As a result of the 2010 meeting in Atlanta, she suggested that the group should select case studies that can serve as focal points in next year’s meeting. Proposed case studies include: Afghanistan,

Sudan, Nigeria, El Salvador, Nicaragua, Guatemala, Nepal, and perhaps one country from OSCE. The EU is open to feedback and suggestions from participant organizations.

Participants voiced support for continued involvement of outside observers' such as Dr. Susan Hyde and other independent scholars, who can provide evaluative feedback on the work of observers as a community, although some participants were keen to see future evaluations provide a deeper critique of our work. It was argued that having a results-oriented agenda (with related documents) as in the Atlanta meeting is a positive step forward towards helping the group achieve progress in election monitoring.

### **President Carter's Closing Remarks**

President Carter closed the meeting, stating that his experience with election observation has led him to reassess his definition of human rights and recognize the impact that the fulfillment of fundamental political rights can have on the lives of individual citizens. He noted that international observers give hope to citizens that their future can be brighter.

Carter underscored the important role that domestic observers play in democratic electoral processes, and encouraged endorsing organizations to endorse the Global Principles for Non-partisan Domestic Monitoring. In addition, he was pleased to hear about the progress made on the ACE portal which will provide a valuable resource to all endorsing organizations.

Carter went on to voice support for the Declaration of Principles process more broadly, which provides an important opportunity for discussion of key issues. Carter was pleased that progress had been made on key topics such as mission follow-up during the 2010 meeting. He concluded by reiterating his hope that endorsing organizations will continue to collaborate and cooperate, while respecting key differences between each, so that observation efforts can continue to improve.