

**Electoral Dispute Resolution Experts' Meeting**  
**The Carter Center**  
**Atlanta Georgia, February 24-25, 2009**

On February 24-25, The Carter Center hosted an experts meeting on criteria for assessing electoral dispute resolution as part of democratic electoral processes. Leading experts in the fields of election assistance and dispute resolution participated, including John Hardin Young, Dan Finn, Markku Suksi, Manuel Gonzalez (Mexico TRIFE), Adhy Aman and Domenico Tuccinardi (International IDEA), Eric Bjornlund (Democracy International), Jonathan Stonestreet (OSCE-ODIHR), Andy Bruce (UNEAD), Zsolt Bartfai (EU), Laura Grace (NDI), and Ilona Tip (EISA). The principal goals of the meeting were to:

1. Gain greater insight into existing obligations regarding electoral dispute resolution in public international law;
2. Discuss the relative strengths and weaknesses of public international law as a source for obligations; and
3. Discuss how existing methods for observing electoral dispute resolution can be better and more consistently integrated into election assessment frameworks.

A number of key points of agreement emerged during the one and half day meeting, including the following:

*Fundamental Principles for Electoral Dispute Processes*

- The right to an effective remedy is the overarching right primarily related to dispute resolution. A fair and public hearing is only one of many ways an effective remedy can be gained.
- Because election management bodies are recognized as an organ of the State, and therefore must take necessary steps to give effect to rights, these bodies must respond to all complaints presented to them. However, the obligation to give an effective remedy does not relate to complaints which do not involve fundamental rights.
- Disputes which do not relate to the infringement of fundamental rights, or which involve non-discriminatory State actions, can be considered informal in nature and do not necessarily require legal proceedings to reach resolution. Administrative bodies can act as the single and final arbiter of such disputes. However, if actions involve an alleged violation of fundamental rights, are found to have been discriminatory in nature, or to have been decided in an arbitrary manner, complainants must have access to a tribunal. In addition, administrative disputes, if inadequately resolved, can become more formal at subsequent levels of adjudication and require the availability of review by a tribunal.
- Election management bodies (EMB) may play an important role in electoral dispute resolution. However, according to the United Nations Human Rights Committee General Comment 32, there must be a clear separation between the executive and judicial functions of any body considered a tribunal. While it may be possible for EMBs to meet all of the criteria of General Comment 32 to be considered a tribunal, in practice it seems unlikely that this will occur. Therefore, complainants should have access to a General Comment 32 tribunal at least at one point during the dispute process.

- Availability of appeal to a higher court for disputes relating to the election process that require resolution by a tribunal should be considered a best practice, rather than an obligation, as defined by General Comment 32. The right to appeal is not guaranteed in the adjudication of a dispute, and appeals may be limited or denied in order to respect the need for efficacy and efficiency in the resolution for electoral disputes.
- Participants agreed that the practice of limiting standing before tribunals was acceptable given concerns about overly burdensome case loads and the possibility of spurious complaints. However public international law provides very little guidance with regard to determining who can and should have standing. Generally, participants agreed that standing may be limited to individuals that are directly impacted by a violation.

*Alternative Dispute Resolution*

- While it was noted that Alternative Dispute Resolution can be an effective and important part of a dispute resolution system, it was agreed that this cannot be the sole channel for resolution of disputes relating to fundamental rights.

*Methods of Observing Electoral Dispute Resolution*

- Observation of electoral dispute resolution should focus both on the process of resolution, and the results of this process. Observation should employ a variety of quantitative and qualitative methods since a purely numerical assessment of election disputes can be susceptible to misinterpretation and flaws.
- While recognizing that dispute resolution is a difficult part of the electoral process to observe, most participants were reluctant to back away from observer engagement in the area, and felt that international organizations could contribute to dispute resolution monitoring either individually, by partnering with domestic monitors, or by building on work by technical assistance organizations.
- Participants supported the membership of domestic legal assistants on election dispute teams during election observation missions. International legal experts, while key to successful electoral law review, cannot always gain a full understanding of a country's legal process and codes, and domestic legal assistants can aid in the important objective of reviewing a greater breadth of domestic legislation.

**Session 1: Identifying Obligations for Democratic Elections**

*The first session of the day focused on introducing participants to the collaborative efforts of leading observation organizations in articulating criteria for observing democratic elections. The purpose of the session was to familiarize discussants with the Carter Center's efforts to determine obligations for electoral dispute resolution in public international law. Major topics for discussion and consideration included how a common terminology might facilitate understanding of what constitutes electoral dispute resolution, and how participants might help to articulate such a standard conception.*

The discussion on electoral dispute resolution began with an introduction to the Carter Center's collaborative 'Democratic Election Standards' project. This project is aimed at identifying obligations in public international law that may form the basis of assessment criteria for election observers. The project recognizes that elections may be considered genuine and democratic only if a broad spectrum of individual and process focused human rights are upheld. Effort has been made to consistently link the constituent parts of the electoral process to relevant fundamental rights, such as the right to free assembly.

The Democratic Election Standards presentation pointed out that electoral dispute resolution is clearly an important part of the electoral process, particularly relating to such rights as the right to an effective remedy and the right to a fair trial. However, it also recognized that obligations for dispute resolution are hard to define through public international law. A possible methodological approach was presented which would have observers define electoral dispute in a two-pronged fashion. First, observers would consider a second branch of dispute resolution stemming from the right to effective remedy. Such a right would obligate a State to provide remedies for violation of fundamental rights articulated in the ICCPR rights. The remedy provided could be non-judicial in nature as long as it addressed the violation. Second, observers would look at the right to a fair and public hearing; focusing on judicial proceedings and dealing with such challenges as are channeled into legal proceedings.

To begin the discussion, the facilitators posed a set of 'significant questions' that underlie the difficulty in approaching electoral dispute resolution from a public international law perspective. Such questions included;

- Who has standing to file a complaint?
- Can an election management body be considered a tribunal (as defined by international law)?
- What scope of observation of the judiciary is feasible?
- What is the role and nature of alternative dispute resolution processes in fulfilling a States obligations?
- Is the development of specialized tribunals necessary?

### **Session Two: Standards for Electoral Dispute Resolution Based on Public International Law**

*The second session of the day related to obligations for electoral dispute resolution as they might be found in public international law. Participants were urged to discuss what constitutes a State's obligations to provide dispute resolution and the form and content of such resolution. Consideration of whether there are areas in which public international law falls short as a source of guidance for electoral dispute resolution systems was a key topic of discussion. Major themes of the discussion have been outlined below.*

#### *Efficacy of resolution*

The need for efficient resolution of electoral disputes was universally agreed upon by participants. Several participants urged observer organizations and election administrators not to overemphasize the need for judicial remedies, as oftentimes extra-judicial avenues for resolving disputes are able to reach conclusion faster. This is especially important with electoral disputes, since resolution is necessarily bound by the electoral timeline and may not be effective if offered without appropriate speed. Many resolutions provided by

administrative and election management bodies, either at the polling station level or by a central commission, will offer an effective remedy without requiring a legal challenge.

While discussants agreed that it is sometimes easier to focus on the right to a fair and public hearing, which is clearly articulated in international law, they felt the right to remedy is actually more pertinent when discussing dispute resolution. It was noted that the type of dispute often determines the most appropriate channel for its resolution. Many cases may be resolved by an election management body or other non-legal channel if the decisions relate only to an individual case that might be easily redressed. However, if issues relate to systemic problems that link to fundamental rights these should be heard by a tribunal at least at one point during the resolution process. Weighing the importance of a complaint against time constraints and the need for efficacy may help determine the most appropriate channel for remedy.

*Key terminology; how to define 'disputes' and 'complaints'*

The proper definitions of key terminology relating to dispute resolution was the subject of significant discussion. Specifically, participants struggled with how to develop a common understanding of what constitutes a complaint versus a dispute.

General agreement was reached that there is a 'micro' level of complaints which is best excluded from the definition of a formal complaint or dispute. Particular issues relate only to election administration and should be resolved by an electoral management body. Administrative mechanisms that occur in real-time at the polling station level, may be considered a means for the administrative body to correctly fulfill its mandate and avoid the creation of electoral disputes, rather than the resolution of a dispute itself.

Putting aside this 'micro' level of complaints, however, there was discussion over how to correctly differentiate between disputes and complaints, and how to define their role in the resolution process. From a legal standpoint it was suggested that complaints can be a variety of informal and formal proceedings initiated by an individual or group which triggers a legal process (that may or may not be judicial). Disputes, on the other had require that two or more positions are taken and that the process is adversarial in nature. Beyond such a distinction, complaints and disputes may also be defined by their formality.

Formality refers to the relationship between complaints and disputes and fundamental human rights. A dispute which clearly concerns practices and procedures which systematically undermine rights is considered formal in nature if and when properly filed. It will require legal proceedings for resolution and carries a heavy burden of evidence. On the other hand, if a dispute relates only to an individual and does not clearly impact a fundamental right this should be considered informal in nature. Participants reminded one another that it is also possible for a complaint to become a dispute and to formalize as it reaches subsequent levels of adjudication. For instance if a complaint is filed with an administrative body and the complainant feels that the offered resolution does not allow for the full enjoyment of a fundamental right a dispute might then be filed alleging wrongdoing by the administrative body.

*Adjudication by non-judicial bodies*

As non-judicial bodies were discussed, a question emerged as to what obligations public international law placed upon election management bodies. When considering whether it was necessary for election management bodies to respond to all complaints, participants

uniformly agreed that because election management bodies are an arm of the State, and the state must take necessary steps to give effect to rights, such response was necessary. However, a distinction was made between the necessity of States to respond to 'micro-level' and informal complaints, and the obligation for the provision of an effective remedy for disputes relating to the violation of rights.

Participants agreed that election management bodies are tasked with administration of elections and are clearly a State body. This led some participants to question the ability and correctness of election management bodies acting as the adjudicative body in electoral disputes, specifically whether they could be considered a tribunal. Questions were posed as to whether a hearing could ever be considered fair when there was a connection between the adjudicator, and the perpetrator (for example cases in which an election management body both administered an election and acted as a body for resolution of electoral disputes); especially as neither obligations upon administrative bodies, or broader administrative structures which act as the arbiter of disputes are clearly defined in international law.

For guidance, participants discussed the definition of a tribunal provided by General Comment 32, which states that if the distinction between executive and judicial functions is not clearly defined, then a body can not constitute a tribunal. While many felt that such a tribunal must be judicial in nature, others argued that General Comment 32 requires only a tribunal which is independent from the executive, and as such does not necessitate a judicial body. Regarding election management bodies, participants recognized their important role in the resolution of complaints, but could not identify specific country examples where these bodies could be considered clearly independent from the executive.

General Comment 32, does not appear to preclude election management bodies from acting as arbiters in electoral disputes, but requires only that a hearing by a tribunal be available at least at one point in the process. Agreeing that election management bodies are at times best prepared to handle election disputes because they receive strong international support and they have a clear and complete grasp of nuanced electoral issues, some participants stressed their importance and felt it was incorrect to assume they could not meet the definition of a tribunal. In fact, it was noted that a higher level of election management body, if structured appropriately, could fulfill the requirement for a tribunal if it could be shown to be independent from the executive and impartial in a dispute concerning a lower-level body.

Recognizing that the development of public international law is an ongoing process and there may be areas where obligations do not exist, participants agreed that while General Comments are not the ideal source upon which to base an argument regarding international obligations, they are, in some cases all the international community can look to and should be carefully considered. The importance of General Comments as a source of obligations, and a general acceptance that a body would almost always have to be at least quasi-judicial in nature to meet the definition of a tribunal, led participants to agree that appeal to a judicial body should be considered a best practice as defined by General Comment 32.

Whether the right to a hearing by a General Comment 32 tribunal is a best practice or a soft-law interpretation of an obligation is determined by the standing and strength of General Comments. While UNHRC General Comments are generally perceived by the observation community as strong sources of interpretation for treaty obligations, and thus strongly persuasive upon States, participants discussed the relative importance of General

Comments versus the decisions of judicial bodies such as the European Court of Human Rights. While some participants questioned the strength of General Comments, importantly, they agreed that such sources could form the basis of assessments if they were not contradicted by higher level sources.

Alternative dispute resolution (ADR) mechanisms were also discussed, and participants agreed that such processes can be beneficial and can play a necessary role in alleviating a backlog in judicial proceedings. However, participants felt that alternative dispute resolution could never be the sole means of resolving a formal dispute. While it was noted that ADR processes can take any form from a meeting, to mediation or binding arbitration, it was agreed that they cannot be the singular channel for resolution of disputes relating to fundamental rights. For such disputes, a hearing by a judicial tribunal must be available at some point in the proceedings.

#### *The right to appeal*

Participants spent time discussing how best to distinguish between complaints which can be heard by an administrative body alone without the right to a fair and public hearing as determined by Article 14 (ICCPR), and complaints to administrative bodies which must be heard by a tribunal. It was agreed that such a distinction is vague but is best made on the basis of the nature of whether the claimed violation was discriminatory in nature. If actions are applied in a non-discriminatory manner, complaints based on such actions might be considered administrative in nature. However, if actions are discriminatory in nature or decisions are made on an arbitrary basis, it will be necessary to have the right to an appeal. This distinction led to discussions about how to determine the finality of such decisions. For instance, who decides if a complaint is only administrative in nature (e.g non-discriminatory) and therefore cannot be appealed? Participants felt that decision about what is appealable is best left to domestic lawmakers and national legislation. It was urged, however, that observers remain cognizant of the fact that even administrative decisions are an application of electoral laws in a real-world situation, and thus are important to the process of electoral complaints and the achievement of an effective remedy.

Although participants agreed the right to appeal does exist in particular cases, it was noted that administrative law does not guarantee appeals and that the need for efficacy can limit or deny such appeals for electoral disputes. The right to appeal is linked to discriminatory or arbitrary actions, because such violations relate to fundamental rights and therefore require a more formalized hearing.

#### *Importance of effective remedy*

The session closed with a request that participants remember that the right to an effective remedy is the overarching right relating to electoral dispute resolution. While the right to a fair and public hearing is important in the observation of disputes, it was urged that this right be considered as one of several possible ways that an effective remedy might be achieved. While the State has clear obligations to provide a fair and public hearing when a judicial body is engaged in the resolution of disputes, it remains possible, and at many times preferable, that such disputes be resolved through extra-judicial means.

### **Sessions Three and Four: Observing Electoral Dispute Resolution Case Studies**

*Afternoon sessions were used to familiarize participants with peer organizations' work on electoral dispute resolution. Six presenters spoke to their individual organizations'*

*methodology and approach to dispute resolution. Of these presentations, one was from the perspective of a judicial body tasked with resolution while the other five represented a global cross-section of observer organizations<sup>1</sup>. After each presentation participants discussed how organizational mandates have resulted in different observation models and the effectiveness and challenges of such models. A summary of these discussions follows.*

*Process versus results oriented observation*

As observers, participants realized that the scope of observation is necessarily limited by such factors as time, budget, and expertise. Therefore, a debate occurred about whether it was most important to focus observation on the process of dispute resolution (i.e. public hearings, the system for judicial appointments, the efficacy of appeal) or the result of such (i.e. whether a remedy was achieved regardless of the means by which this occurred). Most participants agreed that observer organizations should look at the process as well as the result. They noted that elections are process focused and that without the creation of an effective dispute resolution system the State has not upheld its obligations. By looking only at results, or in other words looking at dispute resolution only to provide evidence of remedy not how such remedy was achieved, observers would limit their ability to make statements and recommendations about an important aspect of an electoral cycle. Ineffective dispute resolution procedures have the ability to undermine effective transfer of power and the establishment of elected governments, making a focus on process oriented observation paramount to strong electoral dispute resolution observation.

*Legal assistance and review of domestic legislation*

One of the most prevalent issues in the presentations was the need to review a greater breadth of domestic legislation prior to engagement in a country. While almost all observer organizations study the electoral law of countries they observe, legal experts noted that rules and regulations relating to elections oftentimes appear in a variety of domestic legislation. Additionally, difficulties in correctly interpreting electoral laws without adequate knowledge of the context of the larger legal system were discussed. Participants agreed that understanding issues present in the broader legal framework could allow observers to more effectively utilize their limited resources and focus observation. While this may not allow observer organizations to anticipate potential problems, it would allow them to pinpoint key areas which may become issues.

In the same vein, participants proposed increased inclusion of domestic legal assistants as members of an election dispute observation team or during the mission. External legal experts, while key to successful electoral law review, cannot always gain a full understanding of a country's legal process and codes. To limit the danger of misunderstanding or misrepresenting the domestic legal system, local staff with the appropriate expertise can help to gain a better understanding of civil and administrative law procedures. It was noted that this is especially helpful in that it can reduce the likelihood that observer recommendations will be rejected because they don't adequately reflect procedural and legislative remedies in a country. While there will undoubtedly remain gaps in the understanding of national legislation by expatriate experts, the inclusion of such staff on the core team could greatly increase the knowledge base and scope of expertise of international legal analysts tasked with review of electoral disputes.

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<sup>1</sup> Presentations were given by representatives of NDI, EISA, OSCE-ODIHR, International IDEA, the European Union, and Mexico's TRIFE court.

*Recognizing the limited applicability of Standards*

Participants discussed the use of legal sources which are not necessarily applicable to the State in question. This could include both the use of treaties to which the State is not signatory, or the misapplication of regional standards. Participants uniformly agreed on the importance of restricting the use of sources in the determination of obligations to those which are particularly relevant to that State.

Standards from other regions, as well as international law to which the State is not signatory may still play a role in an assessment by acting as a source of recommendations based upon common State practice. However, discussions made clear the distinction between sources that could be used as the basis for obligations and those that may only serve as evidence of the best practices of other States. Participants also noted that at times non-binding sources that are applicable to the State in question are ignored by the States' government. Similarly, the idea of articulating guiding principles which should be respected by Member States is universally seen as a good one, but has, in practice, often had mixed results.<sup>2</sup>

*The Scope of Assessment and Role of Observers*

Traditionally much observation of electoral dispute resolution has relied on an assessment of how many complaints were filed to give an indication of the efficacy of electoral dispute resolution mechanisms. However, participants recognized serious flaws in this approach. It was noted that a high number of complaints may illustrate a thriving democracy in which citizens are able to effectively express dissatisfaction and question electoral results. Conversely, a low number of complaints may relate not to the adequacy of the process but to a lack of real choice or low levels of public participation. Overall, purely numerical assessments were said to be highly susceptible to misinterpretation and flaws.

Additionally, throughout the day's discussion many participants questioned the ability of observers to fully or meaningfully assess the independence of the judiciary. Observers may find it difficult to assess judicial bodies as their observation mandate does not extend to such branches of government. Memorandums of understanding between observers and States do not always include a commitment by independent bodies, such as the judiciary, to cooperate with observation. It can also be difficult to observe judicial bodies due to the different legal codes and jurisdictions which all have a unique set of governing rules.

Many observers also spoke to historical reluctance to engage in such an assessment of the judiciary and indicate that this has led to an incomplete understanding of how best to conduct such observation. While participants generally agreed that the only way to judge the independence of the judiciary is by looking at systems of appointments, tenure and compensation, there was not uniform agreement about the value of doing such an assessment. Some felt that too much focus on judicial independence could curtail the competing need for accountability of State bodies, by potentially lessening oversight on issues such as corruption and misuse of judicial power. It was noted that observers currently take an indirect approach to such assessments.<sup>3</sup> From this discussion participants

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<sup>2</sup> An example was given of the *SADC Principles and Guidelines governing Democratic Elections* which has not achieved uniform implementation by SADC States. Furthermore some guidelines, such as that which suggests election management bodies be formed from political parties have been recently reversed in some member states.

<sup>3</sup> Participants noted that historically observation groups have made statements such as 'a low number of complaints were filed due to low public confidence in the judicial system.' Such an assessment does not use as

also noted the need to build trust in the judiciary in many States, and for assessments to include looking at alternative dispute resolution mechanisms at least until the judiciary is an equally trusted channel for the resolution of disputes.

As the day's presentations continued, some participants began to question if observers should be engaging in observation of electoral dispute resolution at all. It seemed to some discussants that other forms of democracy assistance might be better positioned to engage in this sort of activity. It was noted that due to the general scope, budget, and timeline of observer mission this type of pre- and post- election work is not always the most appropriate. Recognizing the inherent difficulty of observing electoral disputes, and noting that other forms of technical assistance might play a large role in the assessment of this part of the electoral process, most participants were reluctant to back away from observation of dispute resolution. Some proposed a reconfiguration of how observers consider their role in the process, noting that the very presence of observers has impact and can influence the efficacy of dispute resolution processes simply by drawing attention to them, regardless of whether their assessment is comprehensive. Participants also discussed the idea that election dispute resolution is an area that may be better observed through domestic observation, and that international organizations, which often leave the country before the full resolution of cases, could increasingly focus on training domestic monitors for this type of observation.

### **Session Five: Observation of Electoral Dispute Resolution based on Public International Law**

*This session focused on the how observation of electoral dispute resolution systems might be increasingly based upon obligations for democratic elections derived from international law. Questions posed to participants included how current observation methodologies might change given a more direct application of public international law, and how effectively current observation addresses the obligations posed by public international law. Much of this discussion built upon or reiterated ideas expressed in Session Two. For ease of comprehension, discussion of points which relate to earlier topics have been included in the summary of Session Two. Below is a summary only of those ideas which were not explored above.*

#### *Terminology*

Discussion resumed about the appropriate terms with which to label assessment criteria derived from public international law. As has been observed in previous meetings, many participants shied away from use of the word 'standard.' Although it was recognized that this term is used in other aspects of development, such as health or human rights, without concern, it continues to incite political and cultural sensitivities when applied to electoral assistance. Additionally, some participants felt that the term 'standard' implied that all included criteria were sourced from treaty obligations and were binding upon States. In order to assuage these concerns and make clear that some of the assessment criteria are based in soft-law and examples of State practice, or are only applicable to those States which are signatories, the use of another term was suggested. 'Principles' was forwarded as a possible term; however, the relative weakness of this term didn't seem to imply that many such criteria were indeed self-imposed by States and obligatory upon them. There was general agreement that the term 'Obligations' should be used. Participants felt this term

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its basis a process-focused assessment of judicial independence, but instead makes an assessment based upon assumed perceptions of public sentiment.

expressed a State's commitments most appropriately, and did not invoke a western bias or appear overly strong.

*How to define standing*

The issue of standing remained an unresolved one throughout the day. Participants agreed that standing must be limited in order to answer practical concerns about case loads and discourage the filing of frivolous complaints. However, participants did not resolve questions regarding how standing should be determined. Most participants came to a general agreement that to file a complaint a person must be directly impacted by the violation, and at the very least all persons would have a right to file a suit on the basis of his individual franchise. However, the correct role of advocacy groups, NGOs, and individuals filing for violations of rights not directly impacting themselves remained undecided.

It was suggested that basing the determination of standing on the extent to which a claimant is 'aggrieved' might be appropriate.<sup>4</sup> However, other participants felt that such a specific definition of standing was not necessary and that standing might be more generally defined as any party with a particular injury, further recognizing that another person may, at times, represent the injured party. A final suggestion was made that standing be considered from the viewpoint of 'victim.' This proposal was believed to be strong because the term victim is generally defined in international human rights law. Despite these discussions, all agreed that the issue of standing remained difficult to determine in public international law sources and this would be a topic which required further discussion.

**Session Six: Next Steps and Conclusions**

In conclusion, participants were tasked with the development of a list of possible next steps to improve observation of electoral dispute resolution. All were reminded that it was important that such steps be reasonable and within the possible scope of observers work given institutional mandates, budgets, and staff capacity. The group identified as a possible way forward the following steps:

- 1) Include electoral dispute resolution as a key focus of election observation missions. Many observer organizations have yet to include an assessment of election dispute resolution processes as part of their observation work.
- 2) Assess the legal framework of observed States in sufficient time to advocate and provide recommendations for change prior to the election date.
- 3) Assess the implementation of previous recommendations by observers and the status of past electoral disputes in the country.
- 4) Define the scope of observation for electoral dispute resolution systems to make sure it is manageable given a particular organization's mandate and budget.
- 5) Develop terms of reference for core team members and long term observers who will be conducting the assessment. Make sure the core team and long term observers have the necessary legal expertise.
- 6) Ensure that electoral dispute resolution forms a part of observers' post-election follow-up, and is included as part of pre-election assessment mission. Additionally, think about and assess alternative dispute resolution systems during the pre-election period as they might later be used to alleviate possible conflict.
- 7) Provide training for potential complainants, media personnel, and judges so that they fully understand their rights and the electoral dispute resolution process.

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<sup>4</sup> Aggrieved is used in the United States legal system to determine a complainants right to bring a suit at law.

- 8) Be proactive in identifying potential issues that might cause conflict during the pre-election assessment period.
- 9) Educate donors on the need to conduct observation of the disputes before and after the election.
- 10) Train staff at headquarters.
- 11) Learn from others in the community.

In discussions, participants recognized that many of the things included on this list could be done with little increase to the budget or scope of observation missions. All participants agreed that engaging in an honest and consistent effort to improve their observation methods would be beneficial despite the fact that methodological flaws may remain. It was also noted that proactive steps to engage with others in the democracy assistance and human rights community might lead to increased knowledge on observation methodologies as other types of organizations currently conduct judicial monitoring<sup>5</sup>. Uniformly, participants felt that the addition of legal experts tasked with observing and commenting on the dispute resolution process, as well as with training others on the team is the most pressing and significant change necessary for effective observation of electoral dispute resolution based upon obligations derived from public international law.

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<sup>5</sup> Amnesty International is one such organization that currently monitors the judicial process of countries with which it is engaged. The handbooks and training modules of Amnesty and similar organizations might prove beneficial as a starting point from which to base observation methodologies.