

Does international election monitoring have a future?

Gerald Knaus

International election monitoring is in crisis. This has recently become very apparent in the part of the world with the densest network of institutions to monitor and improve elections: Europe. The crisis revealed here is certainly of significance also for other parts of the world.

Scholars have described ‘a clear learning curve on the part of most serious international observer groups, with the most significant evolution being an enhanced analytical focus on critical issues that precede election day by many months’. Experts agreed on the importance of what became known as the ‘election cycle approach’, the notion that election monitors needed to focus on every aspect of an election – from the laws on freedom of assembly and candidate registration to the way complaints were handled long after election day. They stressed that in order to produce authoritative assessments and recommendations, monitors needed to take a long-term approach. This could limit bias, avoid amateurish evaluations and pre-empt hasty post-election statements.

Unfortunately, it is not only election monitoring organisations and scholars who have learned their lessons. So have autocratic leaders. Recognising the symbolic importance of being able to claim to have won ‘free and fair elections’, they have invested in new strategies themselves.

A post-Cold War hope: objective standards

It was an extraordinary moment of optimism in the wake of the fall of the Berlin Wall. With the end of the Cold War, European states agreed to abide by a set of standards and made a series of extremely specific commitments to guarantee the quality of their democracies.

Meeting in January 1990 in Copenhagen, the Organisation for Security and Co-operation in Europe (OSCE) – then the Conference on Security and Co-operation in Europe, or CSCE – participating states declared that ‘the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government’. To ensure this, the OSCE published the Copenhagen Document in 1990, which listed the following guidelines:

- Political campaigning can be conducted in a free and fair atmosphere without administrative action, violence, intimidation or fear of retribution against candidates, parties or voters
- There is unimpeded access to the media on a non-discriminatory basis
- Votes are cast by secret ballot and are counted and reported honestly, with the results made public in a timely manner

The Charter of Paris for a New Europe, agreed by OSCE leaders a few months later, asserted that across Europe all governments should ‘undertake to build, consolidate and strengthen democracy as the only system of government of our nations’. It looked like the dawn of a very different era.

In 1991, OSCE participating states also established the Office for Democratic Institutions and Human Rights (ODIHR). During the December 1994 Summit in Budapest, all OSCE members decided unanimously that ODIHR should ‘play an enhanced role in election monitoring before, during and after elections’. ODIHR was tasked with developing a ‘handbook for election monitors’. The first edition of the handbook, published in 1996, lays out a methodology for observing elections.

The main idea is that what happens on the day of an election is just the tip of the iceberg. Election monitors need to focus on every aspect of an election, from the laws on freedom of assembly and candidate registration to the way complaints are handled long after election day. The handbook emphasises that ‘an election process is more than a one-day event’ and that ODIHR’s role is ‘long-term observation before, during and after election day’.

In 1999, OSCE participating states also specifically committed themselves to taking this seriously: ‘We agree to follow up promptly the OSCE/ODIHR election assessment and recommendations.’ European states agreed to bind themselves through strong mutual commitments to democratic principles, in order to resist any temptations.

The same emphasis on long-term election observation is central to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers, adopted at the UN in October 2005 and endorsed by 45 international organisations, including the Parliamentary Assembly of the Council of Europe (PACE), ODIHR, and the European Parliament. Strikingly, it has *not* been endorsed by the OSCE Parliamentary Assembly (PA).

To carry out long-term assessments is a resource-intensive endeavour. Usually, ODIHR employs a core team of experts and long-term observers, who arrive in the country six to eight weeks before the day of elections. It also mobilises a large number of short-term observers for the elections themselves.

Colour revolutions and pushback in the East

As people took to the streets following election manipulations – first during the Rose Revolution in Georgia (2003) and then during the Orange Revolution in Ukraine (2004) – autocratic leaders realised that charges of election fraud, especially if backed up by credible election observers, could mobilise huge numbers of people. Monitoring was a serious issue, and independent observers a potential threat.

In December 2006, Belarusian Foreign Minister Sergei Martynov argued that ‘today the ODIHR deliberately ignores the principle of accountability to the participating states’. In June 2012, after the presidential elections that brought Vladimir Putin to power for the third time, Russian Foreign Minister Sergey Lavrov said that ODIHR ‘does not have clear rules on which elections observation would rely on and which would be based on uniform criteria rather than on double standards as it happens now’. This was a turning point.

In 2006, the OSCE PA International Secretariat produced a memorandum arguing that the OSCE PA ‘should clearly be placed in charge of OSCE elections observations’ and that ODIHR should ‘play a subordinate and supportive role’. If that is not the case, the memorandum continued, ‘then the Parliamentary Assembly should take full responsibility for all election monitoring activities... The expertise, independence, credibility, visibility and accountability of elected Parliamentarians argue strongly for this approach.’

In its Vilnius Declaration of 2009, the OSCE PA reiterated that ‘parliamentarians provide unmatched credibility and visibility to OSCE election observation activities’, a view repeated once again by the Secretary-General of the OSCE PA, R. Spencer Oliver, in December 2012. Oliver also warned of the ‘questionable judgement’ of those observers who have never ‘had any political experience, have not held nor sought public office, worked in a parliament or worked on the staff of a political party’. Following this logic, parliamentarians, by virtue of who they are, do not need to be on the ground for many weeks, or visit a large number of polling stations, or follow any systematic observation methodology in order to arrive at their conclusions.

Many of the most bitter disagreements between ODIHR on the one hand and parliamentary delegations on the other have taken place in Azerbaijan (see European Stability Initiative, or ESI, report, *Caviar Diplomacy*).¹ After the 2010 elections in Azerbaijan, the head of the OSCE PA observers, Austrian MP Wolfgang Grossruck, accused ODIHR observers of non-professionalism and being prejudiced against Azerbaijan (in these elections, 50 out of 88 opposition candidates had been denied registration; on election day, ballot stuffing was witnessed in 63 polling stations). As he put it in an open letter to the OSCE Chairman-in-Office: ‘Throughout the mission, we had the impression that the ODIHR was more eager to fulfil expectations from the international media, the NGO community and Azerbaijan’s opposition than to demonstrate a truly professional attitude in accessing, collecting and analysing the evidence.’

The situation was even worse during presidential elections in Azerbaijan in October 2013. According to the Central Election Commission of Azerbaijan, there were nearly 1,300 international observers from 50 different organisations in Azerbaijan for the October 2013 presidential elections. Forty-nine monitoring groups praised the elections as free and fair, and as meeting European standards. Azerbaijanis were told by the leaders

¹ ESI, ‘Caviar Diplomacy. How Azerbaijan silenced the Council of Europe’, 24 May 2012, (www.esiweb.org).

of the delegations of two European parliamentary institutions – the European Parliament (EP) and PACE – that they had just held ‘free, fair and transparent’ elections.²

Only one group of international election monitors refused to go along with the praise: the election-monitoring mission of ODIHR. In fact, carrying out serious election monitoring is a resource-intensive endeavour. Only ODIHR employed a core team of experts and long-term observers, who arrived in the country many weeks before the day of elections. In addition, ODIHR mobilised a large number of short-term observers for the elections themselves. ODIHR monitors observed voting in 1,151 of the 5,273 polling stations across the country. The evidence of systemic fraud was overwhelming. While voting was problematic, the counting of ballots was catastrophic, with 58 per cent of observed polling stations assessed as ‘bad’ or ‘very bad’. It may have been the worst vote count ever observed by an ODIHR election observation mission anywhere.³

What is to be done? The need to defend monitoring standards

International monitors should provide objective assessments, based on documented observations, of whether national elections meet European and international democratic standards. This should help to prevent or resolve national disputes about election results, while guiding the international community in their future dealings with the government. Doing this requires a clear and transparent methodology.

As a rule, short-term observers arrive in a country two days before the elections. They are briefed on the election campaign. They typically spend one day meeting with representatives of the government, the opposition, mass media and non-governmental organisations (NGOs). Given the limited size of their delegations, they can only visit a few polling stations on the day of elections. Few watch the crucial vote-counting. Then they leave the day after the elections.

The relationship between long- and short-term election observers needs to be rethought. Recent crises reveal a broken system for international election observation. In fact, there is today a lucrative market for observers – former and current members of international and national parliaments. The more observers there are, the more likely they are to undermine any sense that there even exist any international standards. But

Even with the right motivations, how can short-term observers avoid amateurish evaluations if they are in small numbers? The OSCE PA argues that parliamentarians can assess whether an election meets international standards without engaging in long-term monitoring and without following any methodology, just because they have been elected themselves. This argument is absurd, but it keeps being presented as a serious claim. It is

² Pino Arlacchi, the head of the European Parliament’s monitoring team questioned ODIHR’s legitimacy (‘not elected by anybody’), objectivity (‘easy to manipulate’) and competence (‘so-called experts’).

³ ESI, ‘Disgraced – Azerbaijan and the end of election monitoring as we know it’, 5 November 2013, (www.esiweb.org).

an argument that can no longer be left unchallenged by other parliamentarians concerned about the reputation of their institutions, or by international media reporting on such assessments.

Credible, professional organisations such as ODIHR can expect to be challenged on their judgements and questioned on their methodology. But so can self-selected parliamentarians. If observers are not offering objective assessments based on a rigorous methodology, then they are merely offering opinion. These opinions are open to influence through geopolitical interests and alliances, commercial incentives and worse. European democracies have long supported and financed election-monitoring missions. They have done so convinced that this contributes to rather than undermines the promotion of democracy. Unfortunately, they can no longer be sure.

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