

Frank Evers

OSCE Election Observation

Commitments, Methodology, Criticism

Election observation is one of the most politically sensitive field activities carried out by the OSCE. In the mid-1990s, it represented a new challenge for countries both West and East of Vienna. If at first it was generally accepted positively, attitudes in several countries changed abruptly during the years of the so-called colour revolutions. Above all the basic attitude of Russia and a number of states close to it changed in this period. A key event was Russia's own parliamentary elections of 2003. The report of the international election observation mission concluded that many OSCE and Council of Europe commitments for democratic elections had not been fulfilled, and that "Russia's fundamental willingness to meet European and international standards for democratic elections" were called into question.¹ Four years later, at the 2007 Madrid Ministerial Meeting, Russia's Foreign Minister Sergey Lavrov declared, with regard to OSCE's election observation activities, that "it would seem that we have reached the 'point of no return': either we shall all agree together on rules for election monitoring or the differences in this area will threaten the prospects of the ODIHR as one of the institutions of our Organization."²

That particular crisis was nonetheless transcended, and negative expectations proved unfounded. On the contrary, since early 2008, many of the delegations in Vienna have stressed their desire for dialogue, both in general and specifically with regard to election monitoring, albeit with the strict proviso that neither the institutional independence of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) nor its tried-and-tested election observation methods be called into question. Symbolic of a kind of reconciliation after years of discussions, on 21-22 July 2008, the Finnish Chairmanship hosted a seminar on election-related issues in Vienna, which was well attended. Since then, OSCE election observation missions have been continued to be received, even by states that are critical of their activities.

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- 1 OSCE/ODIHR/OSCE Parliamentary Assembly/Parliamentary Assembly of the Council of Europe, Russian Federation State Duma Elections, 7 December 2003, International Election Observation Mission, *Statement of Preliminary Findings and Conclusions*, Moscow, 8 December 2003, p. 1, at: http://www.osce.org/documents/odhr/2003/12/1629_en.pdf.
 - 2 Sergey Lavrov, *Statement at the 15th Meeting of the Ministerial Council*, MC.DEL/34/07, 29 November 2007.

OSCE Commitments on Elections and Election Monitoring

The discussion of OSCE election observation revolves around commitments, criteria, and transparency. While there is general agreement that election observation must be based on the commitments entered into by the participating States and assess their fulfilment or non-fulfilment, there is disagreement over exactly what these commitments are at heart and how their fulfilment should be made measurable. The broad nature of OSCE commitments makes observation criteria matters of interpretation.

Election-related commitments within the OSCE framework can be divided into commitments related to elections (basic principles, polling procedures) and commitments related to election monitoring.

While general commitments concerning democracy and the rule of law as foundations of political systems are relevant here, they go far beyond the topic of election monitoring. They can neither be considered here, nor can they be the object of election observation in a narrow sense. Nonetheless, they regularly trigger discussions on individual aspects of election monitoring.

On a different level, we distinguish between original and interpretive commitments. As will be shown, original commitments relating to the holding of democratic elections are not called into question by even the critical states – at least not in so many words. It is a different story with regard to those commitments that have come into being as a result of interpretation and implementation by ODIHR and the participating States themselves in the form of practically implemented interpretive standards – creating a kind of customary law in the process.

Original Commitments Regarding Elections

The participating States' original commitments relating to the holding of *elections* are largely derived from only two documents – the Copenhagen Document and the Charter of Paris (both 1990).

These include general principles such as the commitment to regular, free, secret, and fair elections and accountability towards the electorate (Charter of Paris, 1990), the commitment to guarantee universal and equal suffrage and the right to stand for election, to the freedom of individuals and groups to establish political parties and for them to enjoy equal treatment under the law, to unimpeded access to the media, to the accurate counting and reporting of votes, and so on (Copenhagen Document, 1990). These commitments very much set the agenda in the transition period up until the end of the 1990s and made a not inconsiderable contribution to the reorganization of state structures in most of the CIS countries. It appears that even today they are still understood to be authoritative by the overwhelming majority of the

political leadership in the CIS area, even if some see this as merely a matter of formal compliance.

Original Commitments Regarding Election Monitoring

The original commitments of the participating States regarding *election observation* serve essentially to legitimate election observation and govern only a small number of details in addition. Together with the decisions on ODIHR's election monitoring function, they are based in large part on the following eleven documents:

1. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen Document, 1990)
2. Charter of Paris for a New Europe (Charter of Paris, 1990)
3. Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow Document, 1991)
4. Prague Document on Further Development of CSCE Institutions and Structures (Prague Document, 1992)
5. CSCE Helsinki Document 1992: The Challenges of Change (Helsinki Document, 1992)
6. CSCE and the New Europe – Our Security is Indivisible (Rome Document, 1993)
7. Budapest Document 1994: Towards a Genuine Partnership in a New Era (Budapest Document, 1994)
8. Charter for European Security (Istanbul Charter, 1999)
9. Ministerial Council Decision No. 7, Election Commitments (Porto 2002)³
10. Ministerial Council Decision No. 5/03, Elections (Maastricht 2003)⁴
11. Ministerial Council Decision No. 19/06, Strengthening the Effectiveness of the OSCE (Brussels 2006)⁵

In the 1990 Copenhagen Document, the participating States reaffirmed that “the presence of observers [...] can enhance the electoral process [...] They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations.”⁶ The Office for Free Elections (established by the 1990 Charter of Paris) was mandated to “facilitate

3 MC(10).DEC/7, 7 December 2002.

4 MC.DEC/5/03, 2 December 2003.

5 MC.DEC/19/06, 5 December 2006.

6 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen 1990, in: Arie Bloed (ed.), *The Conference on Security and Cooperation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 439-465, here: p. 445, para. I (8).

contacts and the exchange of information on elections” and to draw up “reports of election observations”.⁷

When ODIHR was created and given its mandate (1992 Prague and Helsinki Documents), the task of election observation was at first not explicitly renewed, but it was of course implicitly maintained in the Prague Document, which expanded many of the OSCE’s functions.⁸ In Rome, in 1993, the intention to strengthen the role of ODIHR in election observation was mentioned explicitly.⁹

The commitment, currently being cited so often, to election monitoring “before, during and after elections” is laid down in the 1994 Budapest Document.¹⁰ The 1999 Istanbul Charter recognized the assistance provided by ODIHR in election monitoring and reaffirmed the participating States’ willingness to invite election observers. Noteworthy here was the voluntary commitment “to follow up promptly the ODIHR’s election assessment and recommendations”.¹¹

There are no further specific commitments related to election monitoring. Instead ODIHR is merely called upon to perform tasks such as coordinating international election observation or assessing the freedom and independence of media.¹² Comprehensive tasks regarding ODIHR’s approaches and details of its observation methodology are contained in the Brussels Decision on Strengthening the Effectiveness of the OSCE.

This methodology, which has been challenged by Russia and others since 2004, was not determined by the participating States. In Budapest in 1994, they left it up to ODIHR, simply calling for it to “devise a handbook for election monitors and set up a rolling calendar for upcoming elections”.¹³

Interpretive Commitments on Elections and Election Monitoring

In terms of international law, the basis of ODIHR’s approach to elections and election monitoring is found in the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR;

7 Organization for Security and Co-operation in Europe, *Charter of Paris for a New Europe*, Paris 1990, in: *ibid.*, pp. 537-566, here: pp. 549-555.

8 “The Ministers decided to give additional functions to the Office for Free Elections which will henceforth be called the Office for Democratic Institutions and Human Rights.” Prague Document on Further Development of CSCE Institutions and Structures, in: Second Meeting of the Council, Prague, 30-31 January 1992, in: *ibid.* pp. 830-838, here: p. 831.

9 See CSCE, Fourth Meeting of the Council, Rome, 30 November – 1 December 1993, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Basic Documents, 1993-1995*, Dordrecht 1997, pp. 192-214, here: p. 203.

10 *Budapest Document 1994*, Budapest, 6 December 1994, in: *ibid.* pp. 145-189, here: p. 177.

11 Organization for Security and Co-operation in Europe, Charter for European Security, Istanbul, November 1999, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2000*, Baden-Baden 2001, pp. 425-443, here: p. 433.

12 See *Budapest Document*, cited above (Note 10), pp. 176-177.

13 *Ibid.*, p. 177.

1966), and the General Comment of the UN Human Rights Committee on Article 25 of this pact (1996).¹⁴ ODIHR assumes that these documents have contributed to “a global consensus in support of democracy [that] emerged in the 1990s”¹⁵ and that this has given rise to obligations for the OSCE participating States as members of the United Nations with regard to democratic elections.¹⁶

ODIHR has drawn up an inventory that brings these UN obligations, relevant documents of the Council of Europe (CoE), the Parliamentary Assembly of the Council of Europe (PACE), the European Commission for Democracy through Law (Venice Commission), and rulings of the European Court of Human Rights (ECtHR) together with the commitments of OSCE participating States.¹⁷ As an independent OSCE institution, ODIHR (i.e. not the OSCE itself) also signed up to the 2005 Declaration of Principles for International Election Observation.¹⁸

Building on this, ODIHR has created, published, and implemented its own interpretive election monitoring standards in over 100 observation missions with the help of over 30,000 observers (as of November 2006).¹⁹ In this way, it established *actually practised interpretive standards*.

Additional Election-Related Commitments (“Copenhagen Plus”)

The intention of entering into additional commitments in the area of elections was set down in the Porto and Maastricht Ministerial Council Decisions and by 2006 had been debated several times. These debates took place in the broader context of efforts to supplement the OSCE’s human dimension commitments and seeking to bring about a “Copenhagen Plus”. During the

14 Human Rights Committee, *General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service*, CCPR/C/21/Rev.1/Add.7 (1996).

15 OSCE/ODIHR, *Existing Commitments for Democratic Elections in OSCE Participating States*, ODIHR.GAL/39/03, Warsaw, October 2003, p. 7, available online at: http://www.osce.org/publications/odihr/2003/10/12345_127_en.pdf.

16 “All OSCE participating States are members of the United Nations, and are therefore subject to the provisions of the Universal Declaration of Human Rights as well to other UN General Assembly resolutions and documents pertaining to democracy, democratic elections, and human rights.” Ibid., p. 11, footnote 11.

17 *Existing Commitments for Democratic Elections in OSCE Participating States*, cited above (Note 15). Among the justifications ODIHR gave for drawing up this document was a call made by the Russian delegation at the Ministerial Council meeting in Bucharest in 2000. See: *ibid.* Executive Summary.

18 *Declaration of Principles for International Election Observation*, CIO.GAL/169/05, New York, 27 October 2005, available online at: http://www.accessdemocracy.org/files/1923_declaration_102705.pdf. The Declaration was signed by more than 20 international institutions, organizations, and NGOs, including ODIHR, the European Commission, and the UN.

19 Cf. OSCE ODIHR, *Common Responsibility. Commitments and Implementation. Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE*, Warsaw, 10 November 2006, p. 33, section 96, available online at: http://www.osce.org/publications/odihr/2006/11/22321_761_en.pdf.

Slovenian Chairmanship (2005), in particular, this question was given special attention, and a Supplementary Human Dimension Meeting and an expert meeting were held on the topic, though without success. The draft decisions tabled by the Slovenian (2005) and Belgian (2006) Chairmanships for the Ljubljana and Brussels Ministerial Council Decisions on Strengthening the Effectiveness of the OSCE²⁰ included supplementary commitments. However, this did nothing more than keep the topic on the agenda. The delegations are generally sceptical towards new commitments and prefer to stress the necessity of continuing the implementation of existing commitments.

Nonetheless, it seems advisable to keep in view the proposals concisely summarized by ODIHR in its note on “Possible Additional Commitments”.²¹ They were divided into the three categories – transparency, accountability, and public confidence – are conceived in great technical detail, and well suited for discussion at expert level.

In a report entitled “Common Responsibility”, ODIHR looked closely at the further development of election-related activities and identified relevant lines of work it should pursue. These need not necessarily be based on additional commitments. Among other things, they concern follow-up mechanisms for the implementation of recommendations given in the election reports, the geographical scope of election-related activities, recruitment issues and creating a network of experts, public outreach and training, the use of information technology, linguistic inclusiveness, and co-operation with parliamentary observers and other organizations.²²

ODIHR's Methodology

The observation formats, criteria, timeframes, personnel policies, reporting standards, and so on developed by ODIHR together form the methodology that is disputed by critical participating States around Russia. Its basis is the above-mentioned norm-creating and practice-influencing work carried out by ODIHR. The methodology throws light on the entire electoral process, from the relevant legislation to the announcement of results, as well as complaints and appeal procedures, systematically commenting on them and influencing them before a national and international public.²³

20 MC.DEC/17/05, 6 December 2005, and MC.DEC/19/06, 5 December 2006.

21 OSCE Office for Democratic Institutions and Human Rights, OSCE/ODIHR Explanatory Note on Possible Additional Commitments for Democratic Elections, 11 October 2005, Annex 1 of *Common Responsibility*, cited above (Note 19), pp. 83-90.

22 Cf. *Common Responsibility*, cited above (Note 19), pp. 49-55.

23 For a detailed description see *ibid.*, especially pp. 35-49.

ODIHR's Infrastructure

Over the years, ODIHR has built up its own election-monitoring infrastructure. Its personnel resources include the Elections Department in Warsaw with nominally 15.5 full-time positions according to the 2009 budget. The Elections Department has also built up a personnel pool of heads of mission and core team members and can deploy the long- and short-term observers seconded by the participating States. In several field presences, it can also rely on the support of the 17 individuals directly responsible for election observation. The Elections Department had a budget of 6,555,000 euros in 2009.²⁴ The following sections go into the methodology of ODIHR's election observation activities in more detail.

The Selection Criteria: A Non-Democratic Past

ODIHR focused its election observation missions on post-communist transition countries from the start. The criterion it has used to select where to send election observation missions is the difference between OSCE participating States "emerging from a non-democratic past" and "longer-established democracies".²⁵ In support of this approach, it can be noted that ODIHR is not only applying the principle of the 1991 Moscow Document that human dimension commitments "do not belong exclusively to the internal affairs of the State concerned" but that, as a security institution, it will step in to protect a "justly established constitutional order" and "a legitimately elected government of a participating State", both of which are also protected by the Moscow Document, when these are in danger of being overthrown.²⁶ Of course, this is no longer always the view taken in affected countries. That there is no need for ODIHR to play the role of referee is the opposing view taken by the critics.

In response to accusations of geographical one-sidedness in its election monitoring activities, ODIHR has for a while now observed elections in Western participating States, including Belgium, Canada, France, Germany, Ireland, Italy, the Netherlands, Spain, Switzerland, the UK, and the USA, albeit on a smaller scale (as needs assessment missions or election assessment missions) and with less public exposure. Under the leadership of a Russian specialist, ODIHR deployed an expert group on the eve of the 2009 European parliamentary elections to assess electoral legislation and processes in 15 EU

24 Details of personnel and budgets in this section are derived from: Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 888, Approval of the 2009 Unified Budget*, PC.DEC/888, 2 April 2009.

25 ODIHR, *Election Observation. A decade of monitoring elections: the people and the practice*, Warsaw 2005, p. 9, available online at: http://www.osce.org/publications/odihr/2005/11/17148_478_en.pdf.

26 Organization for Security and Co-operation in Europe, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, Moscow, 3 October 1991, in: Bloed (ed.), cited above (Note 6), pp. 605-629, here: p. 606 and 612, paras 17.1 and 17.2.

member states. The argument that ODIHR has occasionally made in the past, according to which it has neither the financial resources nor the personnel to carry out election observations in every participating State, is barely credible. It would certainly be possible not only to carry out fully fledged election observation missions in selected Western countries, if this should appear necessary, but also to reduce the scope of observation activities in the East as a consequence of positive reports.

It should also be noted that problems exist that have nothing to do with whether a state has a non-democratic past or is an established democracy and whose assessment is highly problematic for ODIHR. These include country-specific traditions and customs such as voter activation (e.g. busing to polling stations), imperative mandates (i.e. the requirement to vote along party lines), the lack of public-service broadcasting media, domestic media freedom, and the height of election thresholds. This also encompasses phenomena present in Western participating States, such as party financing and evidence of donations, the non-transparent modification of electoral boundaries, the drawing up of party candidate lists by the party leadership, the running of elections by party representatives, disenfranchisement (e.g. of criminals or former criminals), and the presence of challengers at polling stations. These questions relate to the political culture of individual participating States and are not covered by original OSCE commitments. This is where the argument made by one Western delegation applies: that there are things that cannot be universally regulated but which can and should nonetheless be discussed.

Observation Formats

The range of formats for observation developed by ODIHR encompasses preparatory needs assessment missions and exploratory missions as well as – above all – election observation missions, limited election observation missions with no short-term observers as in Latvia in 2006, election assessment missions with few staff and short duration, which have been deployed in Western countries since 2002, and election support missions, such as the one sent to Turkmenistan to support the OSCE Centre there. There are also the election support teams (preceded by an advance team) as in Afghanistan (an OSCE Partner for Co-operation) in 2004, 2005, and 2009, where the goal was not election observation but providing organizational support and advice in the preparation and execution of elections. ODIHR decides upon the details of these missions, such as staff numbers and composition, the duration of the observers' stay in a country, and the specific tasks to be performed (observation, assessment, support), according to its own needs assessment, agreeing some of the details with the host country. ODIHR also briefs its election observers.

Reporting

ODIHR's election observation activities result in reports ranging from needs assessment mission reports, via pre-election interim reports, to preliminary post-election statements and statements of preliminary findings and conclusions, and ultimately to final reports. As in the case of Georgia (January 2008), supplementary reports may also be issued adding important additional information to preliminary post-election statements. Public and media attention, however, are almost always focused on the preliminary post-election statement that is issued immediately after the election, which contains the preliminary conclusions that are often seen as providing a set of "grades". Of interest here are the nuances of the formulas used in the one or two sentences on the overall course of the elections. Comparison of these statements with those on previous elections or elections in other participating States gives them their particular political weighting.

Documentation

ODIHR set down the methodology of its election observation in a handbook for the first time in 1996, and it has been updated regularly ever since (most recently in 2007). The most important aspects are contained in the following documents:

1. Election Observation Handbook
2. Handbook for Long-Term Election Observers
3. Existing Commitments for Democratic Elections in OSCE Participating States
4. Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System
5. Guidelines to Assist National Minority Participation in the Electoral Process
6. Guidelines for Reviewing a Legal Framework for Elections
7. Election Observation – A decade of monitoring elections: the people and the practice
8. Handbook for Domestic Election Observers
9. Handbook for Monitoring Women's Participation in Elections
10. International Standards and Commitments on the Right to Democratic Elections: A Practical Reference Guide to Democratic Elections Best Practice (Draft, November 2002)²⁷
11. Election Principles and Existing OSCE Commitments for Democratic Elections (Discussion Paper, July 2004)

27 ODIHR.GAL/44/02/Rev.1.

12. Declaration of Principles for International Election Observation (October 2005)
13. Common Responsibility. Commitments and Implementation. Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE (November 2006)

ODIHR's basic understanding of the commitments under discussion here and their implementation is given in detail in "Common Responsibility".²⁸ Further details may be found in the many final reports, consolidated summaries, and other documents.

ODIHR has created election observation standards in theory and practice that are unique in the world and have been adopted as a template by other international organizations. The European Union, for instance, drew up its own election observation methodology with explicit reference to that of ODIHR.²⁹ It has been reported that even the election observation carried out by the CIS draws in some respects upon ODIHR's technical and organizational experience, despite the fact that the conclusions the CIS observers reach are at times very different from ODIHR's.

The Independence of ODIHR as an Observer

ODIHR's political independence as an election observer has been one of the controversial elements of election monitoring in recent years. Yet a number of OSCE documents provide a firm basis for this independence and task ODIHR with carrying out independent election observation.

The authorization for ODIHR to carry out election observation is based on the agreement to establish institutionalized election observation in the sovereign participating States in the 1990 Copenhagen Document³⁰ and the declarations that "monitoring and promoting progress in the human dimension remains a key function of the CSCE"³¹ and that ODIHR is "the main institution of the Human Dimension",³² as well as on the election-related commitments detailed above. At the level of decisions, ODIHR's particular prominence and independence with regard to the participating States is a re-

28 See *Common Responsibility*, cited above (Note 19), pp. 1-25.

29 "The [EU election observation] methodology [...] has been particularly enriched by the [...] election observation methodology, outlined in the OSCE Office for Democratic Institutions and Human Rights (ODIHR) Election Observation Handbook." *Handbook for European Union Election Observation Missions*, Swedish International Development Cooperation Agency (SIDA), Stockholm 2002, p. 3.

30 "The Copenhagen Document was the first political agreement among sovereign states to institutionalize election observation by extending a standing invitation for OSCE states to observe each other's electoral proceedings." *Election Observation*, cited above (Note 25), p. 2.

31 *Prague Document*, cited above (Note 8), p. 831.

32 CSCE Helsinki Document 1992: The Challenges of Change, Helsinki, 10 July 1992, in: Bloed (ed.), cited above (Note 6), pp. 701-777, here: p. 744.

sult above all of the Istanbul Document 1999, in which the participating States committed themselves, as already mentioned, “to follow up promptly the ODIHR’s election assessment and recommendations”.³³ This was later weakened at Porto 2002 and Maastricht 2003.³⁴ In 2005, the OSCE’s Panel of Eminent Persons recommended that the OSCE’s institutions should retain their “ability to make independent evaluations and take programmatic initiatives in accordance with their respective mandates”.³⁵ This call was repeated in Brussels.³⁶

ODIHR has constantly defended its own institutional independence. However, according to the OSCE Rules of Procedure, it is not a decision-making body, but an executive structure or OSCE institution.³⁷ At the heart of its argument is a reference to the need for election observation to be politically and operationally independent, and hence to the need for ODIHR to be an impartial election observer. ODIHR here makes reference to the Declaration of Principles for International Election Observation, as mentioned above: “International election observation missions should [...] independently and impartially evaluate [information concerning the integrity of the election process ...]” and they “must be of sufficient size to determine independently and impartially the character of election processes in a country”.³⁸ This approach may have been called into question on occasion, but its legit-

33 *Charter for European Security*, cited above (Note 11), p. 433.

34 The relevant passages are as follows: “The Ministerial Council [...] calls upon participating States to strengthen their response to the ODIHR’s recommendations following election observations”, Decision No. 7, Election Commitments, MC(19).DEC/7, in: Organization for Security and Co-operation in Europe, Tenth Meeting of the Ministerial Council, Porto, 6 and 7 December 2002, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2003*, Baden-Baden 2004, pp. 421-455, pp. 451-452, here: p. 452; and “The Ministerial Council [...] calls upon participating States to further enhance their co-operation with the ODIHR in this field”, Decision No. 5/03, Elections, MC.DEC/5/03, in: Organization for Security and Co-operation in Europe, *Eleventh Meeting of the Ministerial Council*, 1 and 2 December 2003, Maastricht 2003, MC.DOC/1/03, 2 December 2003, p. 81.

35 Common Purpose. Towards a More Effective OSCE. Final Report and Recommendations of the Panel of Eminent Persons On Strengthening the Effectiveness of the OSCE, 27 June 2005, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/ IFSH (ed.), *OSCE Yearbook 2005*, Baden-Baden 2006, pp. 359-379, here: p. 363.

36 The Brussels Ministerial Council agreed “to give utmost attention to the independence, impartiality and professionalism of ODIHR’s election observation”, Decision No. 19/06, Strengthening the Effectiveness of the OSCE, MC.DEC/19/06, 5 December 2006, in: Organization for Security and Co-operation in Europe, *Fourteenth Meeting of the Ministerial Council*, 4 and 5 December 2006, Brussels 2006, 5 December 2006, pp. 58-62, here: p. 61.

37 Cf. Rules of Procedure of the Organization for Security and Co-operation in Europe, MC.DOC/1/06, 1 November 2006, reprinted in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2007*, Baden-Baden 2008, pp. 355-376, here: pp. 355-356. Also according to the Rules of Procedure: “Representatives of [...] executive structures [...] shall not participate in the drafting of documents”, though they “may comment on drafts that directly concern them, at the invitation of the Chairperson”, *ibid.*, p. 363.

38 *Declaration of Principles for International Election Observation*, cited above (Note 18), pp. 6 and 7.

imacy has also regularly been confirmed. In order to do this, ODIHR has summarized its observation methodology at regular intervals in the documents cited, submitting them via the Permanent Council to the participating States, thereby including them in the OSCE decision-making process. It believes that its independence and impartiality are supported by the vast majority of participating States.³⁹

Relations with the Parliamentary Assembly

In the shape of ODIHR and the Parliamentary Assembly, the OSCE possesses two independent electoral observers. They have close contacts in their election observation work, but operate according to different basic approaches and personnel policies. The fact that the decisions establishing the two do not provide for structural interconnectedness between them makes their co-ordination, which is absolutely necessary, more difficult. However, it cannot be bindingly established by the decision-making bodies of the OSCE or the Chairman-in-Office. While both rank higher than ODIHR in the OSCE hierarchy or are supposed to receive the latter's support,⁴⁰ the Parliamentary Assembly was established not only to act independently (as does ODIHR), but also largely outside of OSCE structures.⁴¹ The overall effect of this has been to create the well known competition between these two institutions and a polemical battle that has not yet reached its conclusion.

Criticism of OSCE Election Observation

Election observation initially presented a challenge to both Western and Eastern participating States. The presence of foreign observers at one of the key domestic political processes in a country, and the assessment of the election before the eyes of the world were often perceived as burdensome. Even a number of Western participating States had to pass legislation enabling international election observation for the first time.

Discussion of OSCE election observation has been most intense since the caesura of 2003/2004, which came about, as mentioned at the start of this contribution, in relation to the Russian parliamentary elections and the so-called colour revolutions. In 2003, Russia and other CIS members made their

39 While ODIHR and OSCE Parliamentary Assembly election monitoring "has only recently been criticized by a few, it is recognized by the large majority of participating States as professional and independent". *Common Responsibility*, cited above (Note 19), p. 34.

40 Cf. *Rules of Procedure*, cited above (Note 37), p. 356, para. 13, and p. 359, para. 3.

41 Although the Heads of State or Government of the CSCE states agreed to establish a parliamentary assembly in the Charter of Paris 1990, it was actually founded in Madrid in 1991 by the parliamentary delegations of the participating States (but not by the CSCE). Cf. *Charter of Paris*, cited above (Note 7), p. 549, and *Madrid Document, Final Resolution Concerning the Establishment of the CSCE Parliamentary Assembly Agreed at Madrid*, 2 and 3 April 1991.

first strongly worded written criticisms of the OSCE's interference in their internal affairs, while also generally criticizing the Organization's field activities.⁴² With regard specifically to election observation activities that have not yet been mentioned here, between 2004 and 2007, some ten position papers were produced by Russia together with varying combinations of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, in particular:⁴³

1. Draft Permanent Council Decision on Further Improvement of OSCE Election Standards and Election Monitoring (2004)
2. Food-for-thought paper on OSCE Election Standards and Election Monitoring (2004)
3. Draft proposal for a Ministerial Council Decision on OSCE Election Standards and Election Monitoring (2004)
4. Food-for-thought paper on Further Development of Election Monitoring and Assessment (2005)
5. Draft Decision on Elections (2005)
6. Proposal for a Ministerial Council Decision on Strengthening and Furthering Election-Related Activities of the OSCE (2006)
7. Questionnaire on OSCE/ODIHR activities in the field of election monitoring and assessment (2006)
8. Food-for-thought paper on Basic Principles for the Organization of OSCE Observation of National Elections (2007)
9. Draft Decision on OSCE/ODIHR Observation of National Elections (2007)

Since 2005, these statements have become noticeably more systematic. A draft decision has also been presented to the Ministerial Council each year since 2005. The food-for-thought paper on "Basic Principles" represented the most comprehensive statement of Russia's views, and was later incorporated in the draft decision on "OSCE/ODIHR Observation of National Elections" for the Madrid Ministerial Council and signed by seven participating States (Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, and Uzbekistan). These states are also the members of the Collective Security Treaty Organization (CSTO). The five core demands of these documents are summed up below:

1. Centralization and transfer of responsibilities to the Permanent Council (adoption of annual election observation programme and budget, and of unified mandates and structures for all missions; annual candidate lists

42 See the Food-for-Thought Paper by Belarus, Kazakhstan, Kyrgyzstan, and Russia, *On the Issue of Reform of the OSCE Field Activities*, 4 September 2003, PC.DEL/986/03.

43 See PC.DEL/1225/04/Corr.1, PC.DEL/1022/04, PC.DEL/1023/04, PC.DEL/1184/05, PC.DEL/1218/05, PC.DEL/1157/06, PC.DEL/703/06, PC.DEL/458/07, PC.DEL/898/07.

- for heads of missions and their appointment to be subject to approval; receipt of election observation reports)⁴⁴
2. Reduction of ODIHR's function to the provision of "expert assistance" and establishment of measures to make ODIHR accountable to the Permanent Council⁴⁵
 3. Renegotiation of the election observation methodology by the Permanent Council (to "review and adopt [...] the regulative basis for activities of the ODIHR in the area of elections" and to "elaborate and adopt [...] Rules of Organizing ODIHR Observation of National Elections")⁴⁶
 4. Creation of transparency in decisions on recruitment, annual planning, the selection of target countries, the format, length, and composition of missions, the acquisition of funds, and reporting⁴⁷
 5. Putting an end to the focus of election observation on the transition states of Eastern Europe ("develop the geographic balance"; "without division into different categories")⁴⁸

On the whole, little effort was made to adhere to these demands consistently. On this question, as on others, the position of Russia and its partners was conspicuously inconsistent. This gives the impression that many of the demands listed above are no longer relevant. In the view of analysts, the effort's real thrust was to restrict ODIHR's election monitoring activities as a whole.

Since 2004, as the documents show, the Russian argument has been roughly as follows: As stated in the first draft decision produced for Sofia 2004, democratic elections are fundamental for the sustainable development of every democratic society. There are, however, no generally recognized standards for democratic elections in the OSCE, but rather merely general principles and commitments, based on the Copenhagen Document and other OSCE decisions. Nor are fundamental principles such as universality, trust, transparency, and accountability exhaustively defined in these decisions. The assessment of elections by the OSCE therefore tends to be subjective. The enforcement of election-related commitments needs to remain the responsibility of the participating States. Furthermore, election observation by the OSCE requires, first, a comparison of electoral legislation and electoral practices in all the participating States, and, second, the compilation of reliable assessment criteria. Criteria for determining the format of each mission are likewise necessary. In general, election observation should aim to demonstrate the compliance of electoral processes with national legislation and to

44 Cf. PC.DEL/458/07, cited above (Note 43), items 2-5, 8.

45 Cf. PC.DEL/458/07, cited above (Note 43), item 2.

46 PC.DEL/1157/06, cited above (Note 43), item 3, and PC.DEL/898/07, cited above (Note 43), item 3, respectively.

47 Cf. PC.DEL/1184/05, PC.DEL/1157/06, PC.DEL/1157/06, and PC.DEL/458/07, cited above (Note 43).

48 PC.DEL/1157/06, cited above (Note 43), item 1.1c, and PC.DEL/458/07, cited above (Note 43), item 1, respectively.

make recommendations in accordance with relevant OSCE commitments. Post-election follow-up activities should be carried out together with the host country. Relevant basic principles should be standardized by the Permanent Council and adopted as “Basic Principles for the Organization of ODIHR Observation of National Elections”, which would also govern the mandate and composition of missions and the procedure of preparing and publishing mission reports.

The demands made by Russia in the circulated papers ranged from personnel matters (creation of a pool of personnel to be filled by the participating States and appointment of heads of election missions by the Chairman-in-Office from this pool; composition of missions to be more geographically diverse) via planning issues (integration of election observation in the OSCE’s annual planning and budget) to rules of conduct for observers (refraining from influencing elections and making statements before the official announcement of results). Finally, there were additional demands on specific issues such as linguistic usage and observer training. ODIHR has gone into many of these ideas in great detail without allowing its institutional independence to be compromised.

Russia’s attempts to exert a direct influence on key criteria such as the scope and composition of missions and definitively to prescribe to ODIHR elements such as the duration of missions reached their climax in 2007 and 2008. This ultimately led ODIHR to stay away from the Russian parliamentary and presidential elections held in these years, and, to the detriment of Russia’s political leaders, prevented the election results from receiving the international seal of approval in the court of global public opinion.

At the same time, it must be noted that the group of participating States around Russia who are critical of observation have not excluded themselves from the discussion of election observation within the OSCE, but have actively contributed a large number of recommendations to it. The supporters of Russia’s initiatives have also worked constructively with ODIHR’s various election observation missions.

In addition, Russia has not only engaged with the topic in a rhetorical sense, but has taken practical steps, both within and outside the OSCE. The intentions that lie behind these activities can of course each be evaluated on its own merits. They demonstrate, on the one hand, greater involvement on the part of Russia in established electoral observation activities, and, on the other, the desire for diversified co-operation with several international organizations and not predominately with the OSCE, as well as, ultimately, a wish for OSCE-led independent election observation to be supplemented or eventually replaced by other formats, ones which at bottom have political conditions attached to them.

After 2004, Russia contributed an increased number of observers to ODIHR missions and organized the deployment of home-grown civil-society election observers in Russia. Election monitoring activities were also devel-

oped in parallel in the CIS framework. The CIS adopted its own election convention as early as 2002, which dealt with topics including the role of civil society and international observers in detail.⁴⁹ The participation of observer missions from the Interparliamentary Assembly of the CIS, a regulation governing which was passed in 2004, has also become part of the elections business in the CIS area.⁵⁰ In addition, Russia has continued to work to secure the involvement of other international organizations, such as the CSTO, the Shanghai Cooperation Organisation (SCO), the Parliamentary Assembly of the Council of Europe (PACE), and the Organisation of the Islamic Conference (OIC).

Activities and Approaches of the Chairmanships since 2005

Since the dispute arose in the years 2003-2004, the topic of election observation has been dealt with by every Chairmanship of the OSCE. Above all, during the Finnish Chairmanship in 2008, it proved possible, at least temporarily, to take the edge off the discussions of election observation activities.

The 2005 Slovenian Chairmanship: Mediation

One task that fell to the 2005 Slovenian Chairmanship was to co-ordinate discussion of OSCE reform. Slovenia's job was to relate aspects of this discussion to the positions of the delegations, the activities and recommendations of the Panel of Eminent Persons,⁵¹ and the statements made by ODIHR. The Slovenian Chairmanship also took up the issue of elections in its own right, making several contributions, including most prominently a non-paper "On the Challenges of Election Technologies and Procedures", in which it called for the elaboration of a "Copenhagen Plus Document" and relevant

49 See Konventsiya o standartakh demokraticeskikh vyborov, izbiratelnykh prav i svobod v gosudarstvakh-uchastnikakh Sodruzhestva Nezavisimykh Gosudarstv [Convention on the Standards of Democratic Elections, Voting Rights and Freedoms in the Participating States of the Commonwealth of Independent States], October 2002, Articles 10 2(d); 14 and 15, available online at: <http://cis.minsk.by/main.aspx?uid=616>.

50 See Polozhenie o Missii nablyudatelei ot SNG na prezidentskikh i parlamentskikh vyborakh a takzhe referendumakh v gosudarstvakh-uchastnikakh Sodruzhestva Nezavisimykh Gosudarstv [Regulation on CIS Observer Missions to Presidential and Parliamentary Elections and Referenda in the Participating States of the Commonwealth of Independent States], 26 March 2004, available online at: <http://www.cis.minsk.by/main.aspx?uid=2016>.

51 In 2005, the Panel of Eminent Persons took a rather cautious position on the discussions. Its references to "election monitoring standards based on experience acquired", the necessity of following up recommendations, and the equal treatment of the participating States addressed both the demands of ODIHR and those of Russia and the participating States aligned with it. At the same time, it recommended the elaboration of new commitments, as others had already done in different places; cf. *Common Purpose*, cited above (Note 35), pp. 362, 365, and 368.

follow-up mechanisms.⁵² During 2005, a special Supplementary Human Dimension Meeting on “Challenges of Election Technologies and Procedures” and an expert meeting dedicated to the three areas of new election technologies, election-related commitments, and election observation were held. Among the many decisions passed at Ljubljana, election observation was included in the one on strengthening the effectiveness of the OSCE as a task proper to ODIHR.⁵³

The 2006 Belgian Chairmanship: Analysis

The 2006 Belgian Chairman-in-Office astonished the delegations above all with his announcement that “monitors of the monitors” would be deployed.⁵⁴ The background to this was the critical discussion between ODIHR and the OSCE Parliamentary Assembly on election observation. Ultimately, this initiative led to the publication of an analysis paper⁵⁵ containing a variety of suggestions. More detailed considerations of election observation were made again in the Brussels Decision on Strengthening the Effectiveness of the OSCE.⁵⁶

The 2007 Spanish Chairmanship: Failed Resolution

The Brussels Decision on Strengthening the Effectiveness of the OSCE tasked the 2007 Spanish Chairmanship with arranging for the Permanent Council to draft a statement on the new commitments proposed in the ODIHR “Common Responsibility” report of 10 November 2006 to be ready by the Madrid Ministerial Council.⁵⁷ However, a statement was not adopted. Instead, the Chairmanship initiated discussions, above all in the Human Dimension Committee and the other formats of the human dimension.⁵⁸ A dedicated Committee meeting was held in May 2007. In those discussions, the various positions were once more reiterated.

It did not prove possible to adopt a Ministerial Decision on election observation. Drafts of one were provided by the EU states, the group of states

52 See Slovenian Chairmanship, non-paper *On the Challenges of Election Technologies and Procedures*, CIO.GAL/64/05, 9 May 2005.

53 See *Decision No. 17/05, Strengthening the Effectiveness of the OSCE*, MC.DEC/17/05, 6 December 2005, in: *Organization on Security and Co-operation in Europe, Thirteenth Meeting of the Ministerial Council, 5 and 6 December, Ljubljana, 6 December 2005*, pp. 57-60, here: section 2, pp. 58-59.

54 See Karel De Gucht, *Address by the OSCE Chairman-in-Office*, OSCE PA, Report on the Fifth Annual Winter Meeting, Vienna, 23-24 February 2006, p. 5.

55 See François-Xavier de Donnea/Jan Petersen, *Personal Envoys of the Chairman-in-Office of the OSCE, Mechanisms for Election Observation*, 16 November 2006.

56 Cf. *Decision No. 19/06, Strengthening the Effectiveness of the OSCE*, cited above (Note 36), pp. 60-61.

57 Cf. *ibid.*, p. 60.

58 See, for example, *OSCE Human Dimension Seminar: Effective Participation and Representation in Democratic Societies*, Consolidated Summary, Warsaw, 16-18 May 2007.

around Russia, and finally by Spain.⁵⁹ Towards the end of its Chairmanship, Spain formally passed the issue on to its successor, suggesting further consideration in the Human Dimension Committee.⁶⁰

The 2008 Finnish Chairmanship: Mediation and Structured Dialogue

The Finnish Chairmanship wanted to see the discussion of election observation take a constructive turn once again and saw himself as a suitable mediator in this regard. He considered dialogue to be a necessary confidence-building measure and had declared himself to be open to discussion of any and all critical as well as supportive viewpoints on commitments, best practices, methodology, and follow-up. A “structured dialogue on election-related issues” was one of the Finnish Chairmanship’s priorities.⁶¹ It initially suggested three discussion formats that could help to bring this about: informal retreats at ambassadorial level, discussions in the Human Dimension Committee, or a “senior expert seminar”, the latter a “Chairmanship event in cooperation with ODIHR”.⁶² As mentioned above, this event, held in Vienna on 21 and 22 July 2008, took the form of an OSCE Chairmanship seminar on election-related issues. The intention was to re-establish a positive context for election observation.⁶³ This was achieved.

It is to the great credit of the Finnish Chairmanship that, in a politically sensitive situation, he was able to remove the openly confrontational tone from the discussion of election observation and thus play a decisive role in making the continuation of ODIHR’s observation activities possible. The generally constructive atmosphere was not even weakened by a draft decision tabled by Russia and Belarus shortly before the Ministerial Council Meeting in Helsinki, which, among other things, suggested a renewed discussion of the basic principles for the organization of election observation by ODIHR and the OSCE Parliamentary Assembly.⁶⁴ This proposal failed to gain support in Helsinki. Election observation missions have continued to take place since then, including in participating States that are critical to them.

59 See MC.DD/23/07, MC.DD/24/07, and MC.DD/29/07, respectively.

60 See Spanish Chairman-in-Office, *Food-For-Thought On Implementation of Existing Commitments*, CIO.GAL/185/07, 12 December 2007.

61 “The Finnish Chairmanship is convinced that continued dialogue on election-related issues among the participating States, with the involvement of the OSCE Parliamentary Assembly, is essential [...] In this respect, the Chairmanship plans to conduct a structured dialogue on election-related issues, including the involvement of international organizations, parliamentary assemblies, and NGOs.” Statement of Finnish Secretary of State Teija Tiilikainen, in: *Finnish Chairmanship discusses 2008 priorities with OSCE parliamentarians*, Press Release, SEC.PR/55/08, 21 February 2008.

62 Cf. Finnish Chairman-in-Office, *Way forward in conducting a dialogue on election related issues* (Non-Paper), CIO.GAL/31/08, 13 February 2008.

63 Cf. *ibid.*

64 Cf. PC.DEL/1043/08.

The 2009 Greek Chairmanship: Ongoing Discussions

The Greek Chairmanship welcomed the ongoing dialogue on elections and election observation and spoke in favour of discussing the following sub-topics: implementing ODIHR's recommendations, the financing of electoral campaigns, voter registration, and the possibility of assuming new commitments.⁶⁵ It also called urgently on ODIHR and the Parliamentary Assembly to work together in election observation to safeguard the credibility of the Organization.⁶⁶ Under the Greek Chairmanship, a Chairmanship expert seminar on electoral management bodies was held in Vienna on 16-17 July 2009. There were no further decisions on election-related issues adopted at the Athens Ministerial Council.

The 2010 Kazakh Chairmanship: Expectations of Continued Dialogue

Many expectations are tied up with Kazakhstan's Chairmanship of the OSCE in 2010. It is no secret that the country has multiple orientations, both globally and regionally.⁶⁷ By applying for the OSCE Chairmanship, the Kazakh leadership indicated a certain openness to the West. That is one of the essential aspects of its current modernization efforts. It is also typical of the way Kazakhstan has dealt with Western criticism, much of which emerged in the course of election monitoring. At the same time, it continues to uphold national traditions conditioned by authoritarianism. Democratic governance and the rule of law are both anchored in the Kazakh constitution.⁶⁸

Since the end of the 1990s, Kazakhstan has repeatedly been criticized for its political and electoral systems. Kazakhstan's experiences with ODIHR are multilayered. ODIHR's election reports on the country are always formulated in critical language, although they have never failed to record progress made. They generally contain an expression such as: "The election process fell short of OSCE commitments and other international standards."⁶⁹

65 Cf. Permanent Mission of Greece to the OSCE, *Analytical Concept Paper on the Programme of the Greek OSCE Chairmanship 2009, The Future of the OSCE viewed as Thesis and Antithesis in Harmony*, CIO.GAL/2/09/Rev.1, 16 January 2009.

66 Cf. Permanent Mission of Greece to the OSCE, *Greek OSCE Chairmanship 2009, Non-Paper*, CIO.GAL/4/09, 16 January 2009.

67 "We shall advance to strengthening of our relationships with Russia, China, Central Asian neighbours, Islamic states and Western countries." *Strategy 2030: Prosperity, Security and Ever-Growing Welfare of all the Kazakhstanis, Message of the President of the country to the people of Kazakhstan*, available online at: http://www.akorda.kz/www/_akorda_kz.nsf/sections?OpenForm&id_doc=DD8E076B91B9CB66462572340019E60B&lang=en&L1=L1&L2=L1-10.

68 Cf. *Constitution of the Republic of Kazakhstan*, Article 1, available online at: http://www.akorda.kz/www/_akorda_kz.nsf/sections?OpenForm&id_doc=DB26C3FF70789C84462572340019E60A&lang=en&L1=L1&L2=L1-9.

69 OSCE/ODIHR, *Final Report on the Parliamentary Elections in Kazakhstan, 19 September and 3 October 2004*, Warsaw, 15 December 2004; see also *Final Report on the Parliamentary Elections in Kazakhstan, 10 and 24 October 1999*, Warsaw, 20 January 2000, *Final Report on the Presidential Election in Kazakhstan, 10 January 1999*, 5 February

Kazakhstan reacted to this in various ways. It signed five of the six papers circulated by Russia. The exception was the draft decision prepared for the 2005 Ministerial Council.⁷⁰ Following the Russian presidential election of 2 March 2008, Kazakhstan announced in Vienna that the Shanghai Cooperation Organisation (SCO), under the leadership of its (Kazakh) Secretary-General, Bolat Nurgaliyev, had taken part in an international election observation mission. Contrary to the Western assessment, “the SCO mission found the presidential elections in Russia were legitimate, free, open and transparent. The mission observed no infringements, law violation and actions that would question the legitimacy of the presidential election in Russia. [...] Russian legislation meets all generally-recognized world standards and provides all conditions and opportunities for people to exercise their civic right freely.”⁷¹

On the other hand, open discussions of election procedures were always at the centre of Kazakhstan’s application for the OSCE Chairmanship. President Nursultan Nazarbayev’s personal efforts to secure Kazakhstan the Chairmanship gave a similarly prominent position to Kazakhstan’s discussions with ODIHR. More than any other participating State before, Kazakhstan sent high-level representatives to face up to its critics at home and in Vienna. At the Ministerial Council Meeting in Madrid, then Foreign Minister Marat Tazhin stated that his country considered the human dimension to be “the most important area of activity” in the OSCE.⁷² He underlined the due consideration given to ODIHR’s recommendations in the political modernization of his country and announced that the “next stage of the ‘follow-up mechanism’” was beginning.⁷³

Concluding Remarks

Since 2003/2004, ODIHR’s election observation activities have been strongly criticized by a number of participating States. However, this has not led them to impose a general blockade of the OSCE’s work. On the contrary, many participating States are displaying an openness to dialogue that had been absent in previous years. Observation missions also continue to be deployed in states that are critical of this practice. A precondition for the successful con-

1999, *Final Report on the Presidential Election in Kazakhstan*, 4 December 2005, Warsaw, 21 February 2006, and *Final Report on the Parliamentary Elections in Kazakhstan*, 18 August 2007, Warsaw, 30 October 2007.

70 See PC.DEL/1218/05, cited above (Note 43).

71 *Statement “In connection with the presidential elections in the Russian Federation”*, PC.DEL/198/08, 7 March 2008.

72 Minister of Foreign Affairs, Republic of Kazakhstan, MC.DEL/1/07, 26 November 2007, p. 1.

73 Address of H.E. Dr. Marat Tazhin, Minister of Foreign Affairs of the Republic of Kazakhstan, at the OSCE Ministerial Meeting, Madrid, 29 November 2007, MC.DEL/38/07, 29 November 2007, p. 1.

tinuation of the OSCE's work in this field is the institutional independence of ODIHR and the independence of its election observation activities.

The OSCE possesses a developed body of commitments on democratic elections (principles and procedures) and election observation. Original and interpretive commitments on elections and election observation exist. Of these, the former, which can be directly derived from OSCE documents, are rarely called into question by anyone. This is not true of the interpretive commitments, which have evolved into practical standards through a process of exegesis and, above all, years of implementation on the part of ODIHR. By being constantly involved in their implementation, the participating States have legitimized these commitments. It is upon them that the discussion on the methodology of ODIHR election observation centres.

ODIHR's methodology documents and comments upon the entire electoral process – from legislation, via the announcement of results, to complaints and appeals. In ODIHR's view, its election observation is focussed mainly, but not exclusively on participating States with a non-democratic past. Its observation methodology represents an innovation that is currently without parallel in the field of international election observation. ODIHR's Elections Department is responsible for implementation of the methodology. On the whole, it is welcomed by the participating States as an instrument of technical co-operation.

ODIHR's work is particularly central to ongoing discussions in those countries where election observation is deemed to be an instrument capable of influencing domestic politics. Over the last five years, the Chairmanships have gone into this issue in depth. States holding the Chairmanship in future should not only prepare for election observations due during their term of office but also for a dialogue on how to maintain election observation as one of the OSCE's most prominent and politically meaningful field activities.