EU Election Observation Missions: context, planning, implementation

EC – UNDP – IDEA SEMINAR ON ELECTION ASSISTANCE
Brussels, 1 to 5 December 2008
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Legal basis for EU election observation?

- EU based on the principle of democracy and rule of law

- Treaty of European Union (art 5): commitment to develop and consolidate democracy and rule of law, respect of Human Rights and fundamental freedoms

- EC partnership and co-operation agreements (e.g. Cotonou): strong emphasis on human rights and democracy. Human rights clauses included in all agreements with third countries

- Human rights regulations 975/99 (updated by 2240/2004) and 976/99 (updated by 2242/2004) - EIDHR (European Instrument for Democracy and Human Rights)
2000 Communication

(Reference: COM(2000) 191 final)

• A “milestone” in the development of EU EOMs.

• Strategy is based on:
  - Strategic approach to programming
  - Coherence with Human Rights and Democracy initiatives
  - Standard methodology
  - Long-term, comprehensive election observation
  - Independence of EU EOM to assessment election
**A fundamental distinction:**

<table>
<thead>
<tr>
<th>Election Observation</th>
<th>Election Assistance</th>
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<td>To provide an independent, neutral and professional appraisal of the electoral process</td>
<td>Assistance to election management bodies, procurement of election materials</td>
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<td>To contribute to the enhancement of public confidence in the electoral process,</td>
<td>Support to NGO and civil society (e.g. voter and civic education, local observers, media monitoring and training…)</td>
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<td>To deter fraud, illegal procedures and intimidation,</td>
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<td>To strengthen respect for human rights and</td>
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<td>To contribute to conflict prevention and resolution.</td>
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EU EOMs TODAY

Since 2000:

- 65 EU Election Observation Missions
- +40 Countries
- Over 4000 Observers deployed
- Increasing Activity:
  - 😊 7 EOMs in 2004
  - 😊 12 EOMs in 2005
  - 😊 14 EOMs in 2006
  - 😊 10 EOMs in 2007 (+ 2 elections postponed)
  - 😊 10 EOMs in 2008

2009: Priorities being defined, 14 countries pre-selected
Election Observation in 2007

• Bangladesh (suspended)
• Mauritania
• Aceh (Indonesia)
• Nigeria
• Timor-Leste
• Sierra Leone
• Guatemala
• Ecuador
• Togo
• Kenya
• Pakistan (postponed early 2008)
EU EOMs in 2008 and possible priorities in 2009

- Finalised: Pakistan, Bhutan, Nepal, Cambodia, Angola, Rwanda, Ecuador.
- On-going: Guinea Bissau, Bangladesh
- ExMs carried out: Bolivia (EOM not deployed for revocatory referendum, EOM will be deployed to the constitutional referendum in 2009); Ivory Coast (election postponed to mid-2009)
- Volatile political / electoral contexts: Guinea Conakry
- Possible priorities in 2009: El Salvador, Bolivia, Ivory Coast, Guinea Conakry (ex-2008), Ecuador, Lebanon, Yemen, Fiji, Indonesia – Aceh, Malawi, Afghanistan, Honduras, Chad, Mozambique.
Organising EU EOMs

- Programming
- Exploratory Mission
- Decision
- Contracting I.P/ / Selection
- « Core Team » Deployment
- Observers (LTOs, STOs) Deployment
- E-Day + PRELIMINARY STATEMENT
- FINAL REPORT
- Closure
Programming

• Election calendar

• Identification of “priority” and “to be followed” countries – How? How Many? How Much?

- Consistency with EU democratisation and crisis management initiatives; increasing peace building component
- Geographical balance
- Value of constructive engagement, added value
Institutional Setting of Programming

• Intra-Commission consultation: RELEX, DEV, AIDCO
  – Delegations

• Inter-institutional Dialogue:
  – Consultation with Council Policy Unit
  – Consultation with Member States in all relevant Council
    Working Groups (COHOM, COASI, COAFR, COLAT, etc.)
  – European Parliament Election Coordination Group
Exploratory Mission

- Composition: COM officials (3) + experts contracted (3) + MS secondments (2 max)

⇒ REPORT

- Advisable: Genuine elections?
- Useful: Added value of EU EOM?
- Feasible: Modalities for EU EOM + Logistics/security? Implementing Partner?

- Findings sent to Member States and European Parliament ECG
Decision to deploy EOM

- Decision made by Commissioner for External Relations and Neighbourhood Policy (Ms. Benita Ferrero-Waldner)

- Following Exploratory Missions to a number of countries, a decision has been taken not to deploy an EOM – e.g. Colombia, Papua New Guinea and Egypt

- Reply to Invitation

- Memorandum of Understanding signed with country where election will be observed
Pre Election Phase: EU EOM Composition

- Commissioner nominates Chief Observer, usually MEP
- Implementing Partner contracted
- Core team members identified and contracted by the Commission based on a call for candidates on the internet
- LTOs and STOs proposed by Member States and selected by Commission based on standardised procedures through roster
Election Timeline

- **EXPLORATORY PHASE**: 9 - 4 months prior to E-Day
- **PRE-ELECTION PHASE**: 4 months - 6 weeks prior to E-Day
- **E U O M Duration**: Election Day
- **POST-ELECTION PHASE**: 2 weeks - 6 months after E-Day

- **6 weeks prior to E-Day to 2 weeks after E-Day**
Deployment Timing

-8 -7 -6 -5 -4 -3 -2 -1 +1 +2 +3 +4 +5 +6 +7 +8

- Implementing Partner
  - - - - - - - - - - - - - - - -

- Core Team
  - Y Y Y Y Y Y Y Y

- LTOs
  - O O O O O O O O

- STOs
  - R R R R

- LSTOs
EU EOM External Environment

- Member States; some third countries
- EU Embassies (HoMs)
- Domestic observers
- Other international observers
- EU COMMISSION EuropeAid DG Ex Relations Geographical Services
- EC Delegation
- European Parliament
- Media
- Local authorities
- Implementing Partner
- EP Delegations
- Local EU STO
- Independence of EU EOM
EU EOM Mission Structure:

Chief Observer

Core Team:
- Deputy Chief Observer
- Election Expert
- Legal Expert
- Media Expert
- Press Officer
- LTO Coordinator
- Operations Expert
- Security Expert

Implementing Partner; Local Staff

Media Monitoring Team

Long Term Observers (LTOs)

Short Term Observers (STOs)
- including LSTOs and MEPs
CORE TEAM

• Chief Observer (EP Member)
• Deputy Chief Observer
• Analysts and Experts
  – Election
  – Legal
  – Media
  – Press Officer
  – Operations
– Security
– Country
– Observer Coordinator

• Staff: Assistants, secretariat, Drivers, ...
IMPLEMENTING PARTNER

• Team
  – Task Managers
  – IT Specialist
  – Accountant
  – Staff

• Tasks
  – Contracting CT, Observers
  – Offices, Accomodation
  – Travels
  – Briefings
  – Office Equipments
  – Communication Equipments
  – Transports (4x4, cars,…)
  – Observers Kits
  – Security
  – Visibility
  – Reporting
OBSERVERS

- Volunteers
- Requested by Commission Services
- Proposed by Member States Focal Points (Dpt Foreign Affairs)
- Selected by Commission services via Roster
- Long Term Observers (LTOs) +/- 2 months
- Short Term Observers (STOs) +/- 10 days
- Local STOs: 1 day
- Note: LSTOs
- Note: EP Delegation Observers
Long Term Observer (LTO)

- **Main Tasks:**
  - Contacts with Local Actors
  - Prepare local Deployment Plan
  - Report (weekly) on pre-election background
  - E-day: Observe, coordinate STOs, report
  - Report on post-election background
  - Evaluation of STOs
  - …

- **Duties**
  - EU Code of Conduct
  - Follow CT guidelines

- **Equipment**
  - Laptop, communication, personal kits, visibility…

- **Insurance**
  - Medical expenses
  - Accident/Death
  - Evacuation
Short Term Observer

• Main Task: Report on E-Day (10 to 15 polling stations)
• Duties: EU Code of Conduct
  Security Measures
• Duration: +/- 10 days
• Equipment: IT – Communication – Visibility – Medical Kit – Info Kit
• Insurance: Medical Expenses
  Accidents/Death
  Repatriation
Selection Procedures

• Announcement to MS via Roster:
  – Country, election, deployment dates
  – LTOs and STOs numbers requested per country – priority ranking
  – Profile
    • Language
    • Experience
    • Training
    • Specific conditions

• Selection Committee (AIDCO, RELEX, DEV)
  – CV analysis
  – Balance between nationalities, gender, experience, age,…

• Results publication via Roster
  – Selected
  – Reserve List
  – Non selected

• Information to Implementing Partner
Mission output

• **1-3 days after election**: EU EOM Preliminary Statement

• Possibly followed up by EU Member States / Presidency Declaration

• **1-2 months after final results**: a comprehensive EU EOM Final Report, which is presented to the authorities during RETURN MISSION
Final Report

• Usually issued approximately one to two months after an election (return mission)

• Includes detailed comment on all aspects of the electoral process and recommendations to improve the process

• Increasingly important document in terms of follow-up
Press - Commission expectations

• Election Observation Missions are one of our most effective instruments in supporting democratic processes.
• Commissioner Ferrero-Waldner has made election observation one of her priorities as Commissioner.
• She personally selects chief observers and follows closely the mission's work and results.
Brussels level

- **What do we do in Brussels?**
  - Press release announcing the mission. When core team is deployed. Draft needs to be received at least 3 working days before publication date.
  - Coordination with other observers, UN agencies etc
  - Regular contacts between Commissioner and CO, prior, during and after mission
  - Statement by Commissioner Ferrero-Waldner - and Michel, depending on the country - after official election results are made public.
  - Mission follow up: return mission and assistance programming; lessons learned seminars etc
Suggestions to EOM /Press

• Web page with clear contact details, details to be shared with Commission services
• Press releases and contacts with the press on the ground.
• Dealing directly with specific questions on the EOM.
• Communication liaison with COM services on the ground and in Brussels
• Photos taken of the EOM could be sent to the Commission audiovisual library.
Coordination COM - EU EOM

• Brussels press release to be sent to EOM press officer.
• EOM press statements to be sent to COM/RELEX for consultation
• Spokesman service to be made aware immediately of any incident/problems/issues that might be happening on the ground and be given defensive lines.
Key elements include:

- Assess the legal framework for elections and its implementation in accordance with international standards
- Evaluate the structures and performance of election management bodies based on the criteria which include independence, impartiality, transparency, effectiveness and professionalism
- Log, categorise and maintain a database of election-related complaints from parties, candidates, voters and other stakeholders
ToR (2)

- Assess the performance of the Judiciary and any other bodies dealing with complaints and appeals
- Meet regularly with relevant local and international stakeholders, including other observation missions
- Advise the Chief Observer on all legal and election administration matters
- Brief mission members on important legal and election issues
- Contribute to the preparation of weekly reports, the preliminary statement and the final report.