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**COMMISSION STAFF WORKING PAPER**

**Implementation of the Communication  
on Election Assistance and Observation**

## COMMISSION STAFF WORKING DOCUMENT

### Implementation of the Communication on Election Assistance and Observation

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## I. INTRODUCTION

On 11 April 2000 the European Commission adopted a Communication on EU Election Assistance and Observation<sup>1</sup>. It was commented on and endorsed by the European Parliament<sup>2</sup> and the Council<sup>3</sup>.

The Communication took stock of past election related external activities of the EU and recommended a reform of the EU's action to make election activities more coherent, credible, consistent and visible.

To this end the Communication recommended inter alia: the undertaking and funding of election related activities in a consistent manner using existing community instruments, improving annual planning, giving the European Parliament a special role in the EU Election Observation Mission (EU EOM) and basing the decision to deploy EOMs on clearly defined, uniform criteria. It also recommended that exploratory missions be systematically carried out before deciding on the deployment of EOMs and that work should be undertaken to promote domestic capacities to conduct and observe elections. In its Report on the Communication the European Parliament expressed the hope that the Communication would contribute to "putting an end to eight years of ad-hoc interventions"<sup>4</sup>.

The purpose of this working document is to review how the Communication has been implemented since its adoption in 2000 and what has been achieved subsequently (2000-2003).

Genuine elections can play a vital role in any society both as a mechanism to regulate internal conflict and as a way of conferring legitimacy on political authority. As such they contribute to broader goals of promoting sustainable governance, and national and even international stability. Consequently, election observation and assistance can be valuable ways of supporting these aims. They also have an important role to play in supporting respect for human rights (freedom of expression, assembly and association, etc...), strengthening democracy (through increased participation, political discourse) and the rule of law (election administration, involvement of the judiciary). These elements are at the core of the EU's identity as a "project for democracy, development and peace"<sup>5</sup>. Moreover by assisting in and observing elections the EU is able to project this identity abroad, as well as to support respect for human rights and democratic values as enshrined in international instruments and domestic legislation.

This said, the ultimate aim of international election observation is that such activities should "become superfluous by entrenching democracy deep within each nation through the development of national capacities"<sup>6</sup>. Consequently, Election Observation Missions, through the deployment of expertise, their right of enquiry and the recommendations they make, and

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<sup>1</sup> COM (200)191. Henceforth referred to in this working paper as "the Communication".

<sup>2</sup> European Parliament Resolution on the Commission Communication on EU Election Assistance and Observation (COM(2000) 191- C5-0259/2000-2000/2137(COS))

<sup>3</sup> Council Conclusions on Election Assistance and Observation of 31 May 2001 Doc 9990/01

<sup>4</sup> Report on the Commission Communication (COM(2000)191 – C5-0259/2000-2000/2137 (COS)) by the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Rapporteur, Giovanni Claudio Fava.

<sup>5</sup> Council Conclusion on Election Assistance and Observation, 31 May 2001, Doc 9990/01

<sup>6</sup> 2000 Communication, p.5

the provision of electoral assistance should also contribute to the development of domestic electoral capacity.

This working document covers both election observation and the provision of electoral assistance. However, in order to reflect the emphasis in the Communication and the focus of efforts since its adoption, the report concentrates on observation activities.

## **II. ELECTION OBSERVATION**

### **1. Achievements and Challenges**

Since 2000 the European Union has deployed 23 Election Observation Missions, covering 33 elections in 19 countries<sup>7</sup> involving some 1100 Short Term Observers and 550 Long Term Observers in addition to the Core team experts necessary for manning these missions.

Generally EU EOMs are deployed for national elections (Parliamentary, Presidential), but there has also been an EU observation of a local election (Cambodia 2002) and a referendum (Rwanda 2003). However, the observation of local elections or referenda is an exception, reserved for cases of specific political significance or for use as a tool to support long-term democratisation policy goals (e.g. decentralisation).

In line with the recommendations of the Communication, and the Council Conclusions and the Resolutions of the European Parliament, all observation missions are required to operate according to a standard methodology<sup>8</sup>: Each observation mission consists of a core team, with analytical and logistical tasks, Long Term Observers (LTOs), who stay several weeks in the country and provide geographical coverage and Short Term Observers (STOs) who focus their activity on election day observation.

To date EU EOMs have had two main achievements. First, in many cases they have contributed to stability, transparency and confidence in the countries observed. Second, through the missions, the EU has strengthened its profile as a credible and visible actor in the field of election observation. As a consequence, requests from third states and EU member States to deploy EU EOMs have multiplied. Moreover some non-EU states such as Norway and Switzerland have associated themselves with particular EU EOMs by sending election observers operating under the direct responsibility of the EU EOM Chief Observer.

At the same time, in implementing the Communication, in particular in respect of observation, the Commission, European Parliament and Council have had to meet a number of challenges and difficulties to ensure the effectiveness of the EU's intervention<sup>9</sup>. In particular, the

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<sup>7</sup> This report covers the period April 2000 (adoption of Communication) to 31 July 2003. Some EOMs covered more than one election and in some countries elections were observed more than once.

<sup>8</sup> A few early missions, programmed before the Communication, did not meet all current standards. For instance, no exploratory missions were deployed to Zambia or Zimbabwe, although these may have helped to clarify potential difficulties. In addition, there was one particular case where Member States decided to deploy short-term observers outside the framework of a EU EOM (Lesotho), although no statement was issued in country by the observers on the electoral process.

<sup>9</sup> In this respect, two evaluation studies were published in the course of 2001, which partially covered the period in question. The first, Evaluation of Voter Education in the context of EU Electoral Support, PARTICIP GmbH, September 2001, focuses specifically on the issue of voter education and recommends, inter alia, more balance in the allocation of EC funds between election observation and voter education. In part this has been met by greater emphasis upon consistency of approach with other democratisation activities in the selection of election observation priorities as described in paragraph 2.2.1 below. A similar

institutions have had to develop rapidly processes and mechanisms for inter-institutional co-operation, while at the same time ensuring increased political coherence between them. For their part, the Commission services have had to take into account the complex and changing financial procedures brought about by the entry into force of the new Financial Regulation earlier this year to ensure that political will could continue to be matched by available resources (EOM staff, long term and short term observers and adequate security and logistic support) on the ground. Finally, the institutions are addressing, and need to continue to do so, the question of how to ensure the maximum impact of EU EOMs through specific follow-up activities building on the recommendations of different EU EOMs.

## **2. Methodology**

### *2.1. General*

#### *2.1.1. The Inter-institutional Process*

An inter-institutional process in the field of election observation has been established with benefits for the overall consistency and effectiveness of the EU's interventions. In most cases, EU institutions endorsed EOM's conclusions, thus adding their political weight to a credible assessment and increasing the political impact of individual EOMs. As recommended by the Communication, the Commission has developed a rolling election calendar as a planning tool. It lists all upcoming elections and indicates priorities to be discussed with the Council Policy Unit, Council Working Groups and the European Parliament.

Consultation with the Council continues at all further stages of the process from the initial exploratory mission, to the deployment of an EOM and the issuing of a Final Report by the EOM. At the local level, EU Heads of Missions (HoMs) have provided significant support to EOMs and have been an important link to broader EU policies in the countries in question. Generally HoMs are fully informed during the Exploratory Mission of the methodology and possible impact of an EOM. Once established, EOMs keep EU HoMs abreast of their findings, analysis and recommendations. In a few cases, local HoMs did not fully subscribe to the eventual findings of EOMs and suggested a different political interpretation of facts reported by EOMs. Similarly on occasion, declarations by the Presidency of the Council on behalf of the European Union diverged from EU EOM findings (Pakistan 2002, Nigeria 2003). Open divergences may send conflicting messages to the countries concerned. However, in general, since 2000, co-operation between the Commission and the Council in Working Groups as well as the Human Rights Management Committee has been smooth.

Co-ordination with the European Parliament takes place principally through co-operation with the EP's Election Co-ordination Group (ECG), which was established in 2001 as recommended by the EP Resolution on the Commission Communication on Elections. The Commission regularly participates in ECG meetings to ensure the coherence of observation activities. The EP develops its own election observation calendar. For EU EOMs the Chief Observer is normally appointed from the ranks of the EP. This has helped to ensure that the EP is fully, and visibly, integrated into the conduct of EOMs. Additionally, EP delegations are fully engaged in and supportive of EU EOMs and their findings. As a general rule, EU EOMs

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point, though in the context of human rights and democratisation is taken up in the second report, EC Activities in the field of Human Rights, Democracy and Good Governance, PARTICIP GmbH, August, 2001.

now issue a single statement endorsed by the EP delegation<sup>10</sup>. Consequently, the EU normally speaks with one voice, thereby enhancing the impact of the EU's intervention. Such co-ordination should be continued and strengthened.

### 2.1.2. Structured Engagement with Host State

For political and practical operational reasons EOMs need support from the government of the host country. No EOM can successfully implement its mandate against the will of the host government. The EU thus generally requires a *written* invitation by the government or the election authorities. The experiences with EOMs which were launched on the basis of ambiguous or oral invitations proved difficult (Zimbabwe 2002, Pakistan 2002).

Additionally, the agreement of governments to Memoranda of Understanding (MoU) is sought. Standard MoUs lay out in detail the rights and responsibilities of observers and the host government and ensure adequate co-operation. They allow governments to have a clear understanding of what an EOM will do in a country. With few exceptions EU EOMs have worked on the basis of a MoU.

### 2.1.3. Length of EOMs

The 2000 Communication recommended the presence of a Core Team and Long Term Observers (LTOs) for ideally up to two months before election day. In order to strike a balance between the costs of long missions and the number of elections observed every year, since 2000, EU EOMs have generally been deployed six weeks before election day. This time-frame is normally sufficient to make an informed assessment of an election process. Long-term observation is based on the recognition that elections are not one-day events. The registration of voters, candidates and parties, the campaign, the enjoyment of human rights and the media coverage are all factors which have a significant impact on election results before a ballot is cast. Post-election developments, such as the tabulation and publication of results and complaints and appeals are equally significant. Many of these aspects go unnoticed by short-term missions, which tend to focus on the orderly conduct of voting on election day. The issue of extending the scope of EU EOMs to also observe early pre-election processes, such as the complete voter registration, has been discussed. However, generally such activities would not be possible without substantially increased resources.

It is important to maintain a similar time-frame for all EOMs, to avoid accusations of applying double standards if electoral processes in different countries are observed for different periods of time. Nonetheless, election observation time-frames do take into account the specificity of the election process in the country observed (length of the campaign period, electoral system with run-offs, time-frame and procedures for the aggregation of results, issues related to appeals and complaints etc...).

For an early assessment of an electoral framework and the need for assistance, the Commission could consider the deployment of an expert needs assessment mission significantly ahead of elections (1 – 2 years) which could also help to define an EU position on desirable electoral reform in a given country. Such missions could be financed from different sources e.g. from the co-operation budget<sup>11</sup>.

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<sup>10</sup> While endorsing the findings of the EU EOM, the EP Delegation to Madagascar chose to issue a separate written report on their activities in the country. In a few cases MEPs chose to make their own individual statements.

<sup>11</sup> EU EOMs are funded through the European Initiative for Democracy and Human Rights

#### 2.1.4. Independence of EU EOMs

Although financed by the EU General Budget and thus subject to strict rules of sound financial management, EU EOMs are fully independent in making their assessment of and in reporting on elections. They regularly consult the EU institutions, including local HoMs, but responsibility for the final assessment of the quality of the election process being observed rests with the Chief Observer albeit on the basis of observers' findings on the ground, international standards and domestic legislation. The Council has been particularly strong in re-iterating that EU EOMs are independent.<sup>12</sup> While the independence of EU EOMs means that there is always a risk that the assessment of any given electoral process does not suit particular political interests vis-à-vis the country in question or, indeed, that the European Union may itself choose to interpret the electoral process differently, nonetheless this factor is critical to the credibility of EU EOMs. The political impact of an EOM is stronger when it focuses on a professional expert assessment, as technical findings need to be disproved. Ultimately, credible election observation enhances the credibility of the EU and its democratisation agenda.

### 2.2. *Programming*

#### 2.2.1. Criteria for the Identification of Annual Priorities

The selection of priority countries for election observation is made at the beginning of a year, but is essentially an on-going process. This is particularly important for countries affected by conflict or entering a post-conflict phase, where elections may be called at short notice.

The list of proposed priorities is a first indication of an intention to deploy an EOM, but does not imply a firm decision to observe. This depends on political developments and further analysis on the ground by an Exploratory Mission (see below).

The deployment of an EOM is seen as a political statement per se. Election observation has not been and should not be the standard response for all countries undergoing democratisation processes and facing potentially difficult elections. Countries for observation have been carefully selected and the EU has declined to be drawn into the role of a global election watchdog, a fact that was particularly emphasised by the Council in its Conclusions<sup>13</sup>. In practice the EU has normally launched 8-10 EOMs per year, reflecting in part, limited financial and administrative resources. But this sparing approach to election observation has also proven to be a strength since any decision to deploy an EU EOM sends out a particularly strong message regarding EU engagement in the host country and also that those missions that are deployed are adequately resourced.

Over the period in question the Commission has gradually developed two criteria, endorsed by the COHOM on 19 June 2003, for identifying priority countries. These are:

- Consistency and complementarity with EU democratisation and crisis management initiatives: EU EOMs are seen as an integral element of a structured and continuous policy to support democratisation in a given country rather than as an isolated action responding to a specific request. The existence of a structured policy to promote democratisation can be assumed in various cases, e.g. if human rights or democratisation are a significant component of the Country Strategy or if a country is a focus country under the European

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<sup>12</sup> Council Conclusions, Point 22

<sup>13</sup> Council Conclusion Point 19

Initiative for Democracy and Human Rights. The requirements of consistency and complementarity also apply to EU conflict prevention or post-conflict interventions, for instance where elections are part of a peace-making strategy.

- Value of constructive engagement: EOMs only yield proper “return on investment” in countries where there is sufficient democratic space to allow for the possibility of genuine elections, without them being guaranteed. It is in such situations that EOMs can increase transparency, enhance confidence of local stakeholders and play a role in conflict prevention. Indications of this type of added value include significant interest on the part of the main political actors on the ground in the presence of international observers and the agreement of the authorities to EU observation, expressed in an explicit and unambiguous way.

There might be no added value in observing elections, where they can be credibly and systematically observed by other international organisations or local stakeholders. This is presently the case in the OSCE area, where the OSCE/ODIHR leads in election observation. However, there can be exceptional occasions where the EU might wish to be involved, because of the political profile and special role it has played in a given country.<sup>14</sup> Occasionally an EU EOM might be useful in assessing the implementation of commitments following Article 96 negotiations under the Cotonou agreement.

### 2.2.2. Exploratory Missions

The deployment of an Exploratory Mission is now a standard and essential step in the decision-making process of deploying an EU EOM. Exploratory Missions are vital for collecting factual information on the pre-election situation and in developing a working relationship with the authorities and knowledge of the observation process by domestic (government, civil society, political parties and the media) and international partners in a country. And, in the event that the mission recommends deployment of an EU EOM, they are necessary to enable the Commission to draw up appropriate project terms of reference and budget of the operation and propose the management arrangements for its implementation.

Exploratory Missions make an informed judgement on whether deploying an EU EOM is advisable<sup>15</sup>, feasible and useful. Some Exploratory Missions came to the conclusion that no EU EOM should be deployed (Guinea-Conakry 2002, Papua-New Guinea 2002, Colombia 2002), either because minimum conditions for democratic elections were not met (deployment not advisable), or because the security and logistic conditions did not permit (deployment not feasible). Member States are associated with Exploratory Missions by an invitation to second election experts to the Mission.<sup>16</sup>

There is sometimes a risk of exploratory missions being used simply as an instrument to send a political signal to a given country to improve its electoral preparations and democratic

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<sup>14</sup> This was the case in the Former Yugoslav Republic of Macedonia, where the European Commission contributed 100 Short Term Observers (STOs), in addition to those sent by the EU Member States, to the OSCE/ODIHR Election Observation Mission for the Parliamentary Elections in September 2002.

<sup>15</sup> The Communication listed a number of minimum acceptable conditions: universal franchise, freedom of individuals and political parties to participate, freedom of expression, free movement, freedom of assembly, reasonable access to media. To these further criteria could be added: freedom of association, - position of main contesting parties, sufficient and timely administrative preparation (voters' lists, legal framework, election administration bodies)

<sup>16</sup> On the basis of past experience, a limit of three experts seconded by Member States has been established, in order to maintain the efficiency of an Exploratory Mission.

standards ahead of a particular election. Exploratory missions are essentially technical in nature and should only be launched if the political will exists to consider a full EU EOM in the event that the exploratory mission makes such a recommendation. Failing this there is danger of raising expectations among local interlocutors that cannot later be satisfied.

The timing of an exploratory mission can be critical. An exploratory mission which takes place close to election day itself can mean that it is already too late for the mission to be able to address any obvious shortcomings identified in the process or, indeed, to be able to deploy an EU EOM in time. Consequently, this can create the impression that the mission is only there to criticise rather than to offer constructive support. On the other hand, if an Exploratory Mission arrives too early it may not be able to develop a credible assessment of the election process, for example because the legal framework does not yet exist or because large parts of the election administration are not yet constituted.

### 2.2.3. Co-operation with other International Governmental Organisations

In line with the Communication and the Council Conclusions, the Commission has established formal contacts through regular meetings with the UN (in particular the UN Electoral Assistance Division) and the OSCE with the objective of exchanging information regularly, avoiding overlapping of initiatives and generally enhancing the coherence of approach. The UNDP has been contracted on some occasions as a service provider for logistical support of EU EOMs.

The Commission is co-operating with the OSCE/ODIHR on issues such as training and has funded OSCE/ODIHR election related activities<sup>17</sup>. With regard to EOMs in other regions of the globe, the Commission has established regular contacts with the the Organisation of American States (OAS), the Council of Europe, the African Union (AU), the Commonwealth, the Organisation Internationale de la Francophonie (OIF) and the Institute for Democracy and Electoral Assistance (IDEA). The Commission will support the AU in developing its capacity to observe elections.

On the ground EU EOMs have co-operated and exchanged information with regional organisations, such as the OAS, AU, OIF and the Commonwealth.

Joint observation missions are avoided, as they pose difficulties in ensuring coherence in methodology, visibility and the autonomy of assessment.

### 2.2.4. Funding

In line with the 2000 Communication all EU EOMs have been funded from the budget of the European Initiative for Human Rights and Democracy (B7-71), which has facilitated planning and increased consistency. Financial planning is detailed in the programming document of the EIDHR.<sup>18</sup>

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<sup>17</sup> E.g. for the legislative database *legislationline.org* which contains an election component.

<sup>18</sup> EDF Funding, used on a couple of occasions for EOMs designed before the adoption of the Communication such as Zambia, proved to be a more efficient instrument for the purpose of election assistance and is not used anymore for EOMs.

## 2.3. Implementation

### 2.3.1. EOM Structure

In the period covered by this report a standard EOM structure has been developed, in line with the recommendation of the Communication. The core team, which is usually deployed about six weeks before election day to the capital city, comprises a Chief Observer, a Deputy Chief Observer, an election expert, a media monitoring expert, an LTO co-ordinator and an operations expert. This can be expanded depending on the challenges of a particular mission to include a legal, security and country experts, a statistician, and press officer.

Long Term Observers are sent to the regions four to six weeks before election day. Shorter periods of deployment in the field may undermine the EU EOM's comprehensive assessment of the whole process. Short Term Observers arrive a few days before election day and leave a few days afterwards.

### 2.3.2. Selection of observers: Process, Criteria

The Chief Observer, usually an MEP, plays a vital role in representing an EU EOM and consequently it is important that s/he stays in country for a sufficient amount of time. The Chief Observer is also the ultimate guarantor of the impartiality, professionalism and credibility of the mission. Other Core Team members are selected by the Commission services. LTOs and STOs are generally selected by the Commission upon suggestions by the Member States of candidates who volunteer for these assignments. The criteria for the selection of election observers were determined by Council decision.<sup>19</sup> The Commission has *recently* developed an Internet Roster, which accelerates the process of observer identification and makes it more transparent, impartial and homogeneous.<sup>20</sup>

### 2.3.3. EU Code of Conduct, Observer Training

The Commission has financed projects designed to increase the capacity and professionalism of European Election Observers. A handbook for EU EOMs was prepared with the support of the Swedish International Development Agency (SIDA) in the framework of a training program on a common European approach to election observation (the EU Election Observation Project). The handbook re-iterates and provides a commentary on the EU Code of Conduct agreed by the Council<sup>21</sup>. It has been widely distributed and is available in English and French. A Spanish translation is under preparation.

The Commission is also funding, together with the government of Finland, a project of the "Network of Europeans for Electoral and Democracy Support" (NEEDS)<sup>22</sup>, which aims to support the consolidation, application and transfer of the standard methodology ("the common European approach") on election observation to EU practitioners and with EU partners. NEEDS provides training for Core Team members Long-Term Observers, and Short Term Observers, is elaborating a compendium of international election standards for the use of

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<sup>19</sup> Council Decision 8728/98

<sup>20</sup> The Roster was launched on 18 June 2003 and is located on the EuropeAid website. Observer candidates can enter their *curriculum vitae* and obtain an individual access key, which enables them to view and update their files. Member States have access to the data of their nationals only and can propose these for the positions of Short-Term and Long-Term Observers. The Commission undertakes the final selection according to pre-defined search criteria. Core Team experts can also apply through the Roster.

<sup>21</sup> Council Decision 9262/98

<sup>22</sup> For more information, see: <http://www.needs-network.org/>

observers and is helping to build capacity for domestic election observers abroad (through training seminars and the elaboration of a handbook).

#### 2.3.4. Visibility

EU EOMs remain one of the few directly implemented EU field activities and enjoy high visibility. EU EOMs normally receive broad coverage in local media as well as in the international media depending on whether elections are judged internationally significant. Experience has shown the value of supporting the Chief Observer with a professional press officer where an EOM stimulates high media interest (Ecuador 2002, Nigeria 2003). Where possible and necessary the practice of sending a press officer, in addition to a media monitor, will be maintained.

It remains important to stress the specific mandate of an EU EOM in order for it not to be confused with other EU interventions in respect of the country in question. EU EOMs have their own websites containing mission-specific information. At the same time all EOM public statements and reports are published on the website of the Commission. EU EOMs are announced by press releases in Brussels and they present their mandate upon arrival in the country at a press conference. Preliminary statements are presented in a press conference shortly after election day. A Final Report containing the EU EOM's final conclusions and recommendations regarding the whole electoral process will normally be delivered approximately one month after the EU EOM has closed its activities on the ground. Chief Observers may give interviews during the EU EOM periods to provide basic information on their EU EOM. The EU logo is used on vehicles, observers' clothing and on all documents issued by EU EOMs. A video explaining EU election observation policies, a handbook on EU election observation and a leaflet on the issue have been produced and are distributed widely. In addition, the Commission has presented the policy and methodology of EU observation at several conferences, academic meetings and training sessions.

#### 2.3.5. Early Exit Strategy/ Limitation of Operations

There have been cases where EU EOMs have had to be suspended or limited before the election day where constraints imposed prevented the EOM from fulfilling its full mandate for security or political reasons (Ivory Coast in 2000 and Zimbabwe in 2002). The decision-making and consultation mechanisms proved to be unclear on those occasions and will need to be improved. Where suspension of an EU EOM became a possibility, the Chief Observer and the Commission set up an *ad hoc* rapid decision-making mechanism which ensured timely consultation with the Council and all other actors involved.

#### 2.3.6. Speed/Modalities of Delivery

The speed of delivery has been a problem in the planning and deployment of some EOMs. The average time for project approval under regular procedures is 13 weeks. The calling of snap elections or compressed election schedules of third countries have at times placed intense pressure on the procedures to be followed for deploying an EOM. This is particularly the case in conflict or post-conflict situations where a rapid reaction is needed, and where the country in question may not even have been identified as a priority for election observation prior to the emergence of a crisis. In such cases, greater flexibility and faster procedures may be needed to ensure rapid deployment.

### 2.3.7. New Financial Regulation

The legal basis for the implementation of EU EOMs by the Commission is set out in Council Regulations 975/1999 and 976/1999. The adoption of the new Financial Regulation, which entered into force at the beginning of 2003, created new obligations for the implementation of EOMs. The Commission is working actively to find ways of accommodating these obligations without causing difficulties for implementation.

## 2.4. *Follow-up to EOMs*

### 2.4.1. Final Report

Within a month of closure, an EU EOM presents its final report, which contains a detailed analysis of the electoral process, recommendations on how to improve the electoral framework and the broader democratic environment. Experience has shown that the earlier this report is issued, the stronger its impact is likely to be. These reports give guidance for electoral reform and possible future assistance.

In order to improve the impact of the final report it has proved useful, conditions permitting, to have it formally presented in the country by the Chief Observer (Kenya 2002), and possibly, at the same time, holding a workshop with local stakeholders to go through the technical recommendations (Nigeria, 2003).

The Commission is in the process of systematically integrating the findings and recommendations of EU EOMs into the programming of development co-operation (Bangladesh, 2001) although programming time-frames may not always coincide or allow for sufficient flexibility. Moreover, the opportunities provided by regular political dialogue by the different EU institutions with countries where an EU EOM has been deployed should be more systematically explored to promote follow-up of the recommendations contained in the EU EOM final report.

### 2.4.2. Building of Regional or Local Capacity for Election Observation and Support

Generally there are more demands for election observation than the EU can meet. One way to address this issue is to support capacity-building efforts of regional or domestic observer groups in election observation. This is being considered e.g. for the Election Unit of the Commission of the African Union. The EU generally does not directly finance actual election observation missions carried out by other organisations, in order to avoid blurring the political responsibilities for the assessments of elections.

As mentioned above, the Commission is providing the main funding for the “Network of Europeans for Electoral Support” (NEEDS). Part of the NEEDS projects is to provide training of domestic NGOs as non-partisan observers. The Commission has also funded other activities in numerous countries aimed at capacity-building of domestic NGOs in the electoral field, either as complementary to EU EOMs or as a discrete activity (e.g. Bangladesh, Pakistan, Zimbabwe, Nigeria, Peru, Columbia, Jamaica).

### **III. ELECTION ASSISTANCE**

#### **1. Introduction**

Assistance to electoral processes and observation are complementary activities. Observation, while contributing potentially to better elections, involves the assessment of the strengths and weaknesses of an electoral process and the presentation of recommendations. This provides an important basis for deciding on further assistance after elections. Assistance on the other hand, can improve an electoral process before elections. Assistance is best programmed with sufficient time before the next elections are held. Assistance efforts can inform the political process vis-à-vis a country, as election reform issues often have a political component.

The Commission is tasked with ensuring the overall coherence of election assistance and observation (for example, exploratory missions fully take into account previous or on-going assistance provided in the country they are visiting).

#### **2. Election Assistance Provided**

The Commission has provided assistance to elections in various areas, in particular: capacity-building of election management bodies (Lesotho 2001, Cambodia 2002, Madagascar, 2002, Nigeria 2003), civic and voter education (Namibia 2000, Uganda 2001, Nigeria 2003, Yemen 2003), domestic election observation (Ivory Coast 2000, Uganda 2001, Jamaica 2002, Nigeria 2003), voter registration (Chad 2001) and voter identification (Ghana 2000)

#### **3. Criteria for Election Assistance**

The 2000 Communication suggested a number of criteria for the provision of election assistance, including a request from the host government, agreement of the main political parties and other stakeholders, the existence of previous political monitoring and of an adequate time-frame as well as guarantees of free movement and access to EU assistance providers.

Additional criteria have been considered when deciding on assistance in the field of elections namely:

*Complementarity*: the organisation of elections is a state obligation requiring adequate resourcing by the State. Consequently, EC assistance should only be provided as a complement to state investment. An exception can be made in post-conflict or failed state scenarios, where the state authorities do not exist or have inadequate means.

*Better definition of intended results*: assistance has to respect its ultimate objective, which is an improvement in the expression of the popular will through the electoral process, e.g. the support for the professionalising of the election administration should not be seen as an end in itself, but as a contribution to a more transparent and smooth running of the elections.

Assistance given in a volatile environment has to be assessed for its impact as a conflict prevention tool. Electoral assistance can play a role in preventing violent conflicts since genuine elections create legitimacy, strengthen inclusion and help for tension and conflicts to be managed in democratic ways.

Finally there should be an assessment of whether a particular form of assistance is *politically advisable*. By analogy with the question of the advisability of deploying an EOM, there should be an analysis of whether there is a minimum democratic space and political will in a

country to have genuine elections. In the absence of such conditions, assistance to authorities helps to run electoral machinery which serves no useful purpose and could be abused as a legitimisation of a flawed process.

#### **IV. CONCLUSION**

Since the adoption of the Communication in 2000, the procedures and practice of EU Election Observation Mission deployment have become more uniform with benefits in terms of coherence and efficiency and in line with the recommendations of the Communication, the Council Conclusions and the Resolution of the European Parliament.

The EU has gained credibility in the field of international election observation, not least because EU EOMs are able to make an independent, expert assessment of election processes. In the future, some methodological refinements could be envisaged, for example by developing a system to cover the observation of voter registration procedures and by improving the mainstreaming of EOM's recommendations within co-operation policies with partner countries

EU EOMs provide an excellent example of a successful intervention in external affairs managed through an inter-institutional process involving the Commission, the Council and the European Parliament.

**ANNEX – LIST OF ELECTION OBSERVATION MISSIONS DEPLOYMENT**

**(April 2000 – July 2003)**

| <u>DATE</u>                         | <u>COUNTRY</u> | <u>ELECTION TYPE</u>          | <u>EU EOM DETAILS</u>   |                  |              |              |                       |                           |     | <u>EP DEL</u>  | <u>Specific Comments</u> |
|-------------------------------------|----------------|-------------------------------|---|------------------|--------------|--------------|-----------------------|---------------------------|-----|--|--------------------------|
|                                     |                |                               | <u>HEAD OF MISSION</u>  | <u>CORE TEAM</u> | <u>LTO'S</u> | <u>STO'S</u> | <u>DURATION</u>       | <u>BUDGET</u>             |     |  |                          |
| 24 - 25 Jun 2000                    | Zimbabwe       | Parliamentary                 | Mr. Pierre Schori, (SE)   | 13               | 94           | 79           | 31 May - Jul          | 1.830.000<br>770.000 (MS) | YES | Elections were a significant democratic test after controversial attempts at constitutional reform.  |                          |
| 29 October 2000                     | Tanzania       | General and Civic             | Mr. Brian Pridham, (UK)<br>Joint Electoral Assistance Secretariat (JEAS) of UN and EU | 3<br>JEAS        | 6            | 70           | Jul - mid Nov         | 424.000                   |     | The second multi-party elections were observed by various delegations and supported by the JEAS.   |                          |
| 10 October 2000                     | Sri Lanka      | Parliamentary                 | Mr. John Cushnahan, MEP (IE)  | 7                | 28           | 42           | 19 Sep - Oct          | 701.400                   |     | Elections were significant in the context of the civil war and serious violence, which had characterised previous elections.   |                          |
| 22 October 2000<br>10 December 2000 | Ivory Coast    | Presidential<br>Parliamentary | Mr. Gwyn Morgan, Election Expert (UK)   | 6                | 30           | 70           | Aug - mid Dec         | 1.960.000                 |     | The planned deployment of STOs was cancelled, due to security concerns following a judgement of the Ivorian Supreme Court banning 14 out of the 19 presidential candidates from running for the elections.   |                          |
| 19 March 2001                       | Guyana         | General and Regional          | Mr. Mark Stevens, Election Expert (UK)  | 8                |              | 29           | Nov 2000 - 5 Apr 2001 | 314.000                   |     | Following controversy over the conduct of elections in Guyana, the EU deployed an EU EOM which was integrated into the Guyana Long Term Observation Group (GLOG). The GLOG was sponsored by UNDP and the UK. |                          |
| 3 June 2001                         | Peru           | General                       | Ms. Eva Zetterberg, Vice-President of Swedish Parliament (SE)                         | 6                | 12           | 32           | 23 Feb - mid Jun      | 1.749.000                 | YES | Elections were an important for political stability and strengthening of democratic institutions after the political crisis of 2000.   |                          |

| DATE             | COUNTRY    | ELECTION TYPE                         | EU EOM DETAILS                                |           |       |       |                                    |           |                               | Specific Comments  |
|------------------|------------|---------------------------------------|---|-----------|-------|-------|------------------------------------|-----------|-------------------------------|--|
|                  |            |                                       | HEAD OF MISSION                               | CORE TEAM | LTO'S | STO'S | DURATION                           | BUDGET    | EP DEL                        |  |
| 30 August 2001   | East Timor | Constituent Assembly                  | Mr. Wolfgang Kreissl-Doerfler, MEP (DE)       | 4         | 4     | 26    | 30 Aug - mid Sept                  | 1.000.000 | YES + 1 Rep of the Presidency | Elections organised by the United Nations Transitional Administration to East Timor (UNTAET), were an important step on East Timor's path to independent statehood.  |
| 1 October 2001   | Bangladesh | General                               | Mr. Joaquim Miranda, MEP (PT)                 | 6         | 32    | 34    | 21 Aug - Oct                       | 876.000   |                               | Elections were seen as a test for the sustainability of democratic governance in Bangladesh.   |
| 4 November 2001  | Nicaragua  | Presidential and Parliamentary        | Mr. Jannis Sakellariou, MEP (DE)              | 6         | 8     | 108   | 25 Sep - 22 Nov                    | 999.000   | YES                           | The Elections were an important test for the institutionalisation of democratic government.  |
| 5 December 2001  | Sri Lanka  | Parliamentary                         | Mr. John Cushnahan, MEP (IE)                  | 6         | 12    | 30    | 10 Nov - 10 Dec                    | 552.000   |                               | The Parliamentary Elections on 5 December were called at short notice, following the dissolution of Parliament by the President.   |
| 27 December 2001 | Zambia     | Presidential, Parliamentary and Local | Mr. Michael Meadowcroft, Election Expert (UK) | 3         | 16    | 86    | Jul 2001 - Feb 2002                | 571.000   |                               | The 2001 elections were an important test following controversy over the conduct of elections in 1996.   |
| 3 February 2002  | Cambodia   | Local (Commune)                       | Mr. Carlos Costa Neves, MEP (PT)              | 6         | 30    | 81    | 19 Dec 2001 - Feb 2002             | 1.373.000 |                               | The first local elections took place after the launch of a programme of democratic reforms (in particular, in the area of decentralisation). In view of this and the EU's significant and long-standing involvement in Cambodia, it was decided to deploy an EU EOM. |
| 9-11 March 2002  | Zimbabwe   | Presidential                          | Mr. Pierre Schori, (SE)                       | 8         | 70    | 120   | 12 Feb - 18 Feb (EU EOM Cancelled) | 1.306.000 |                               | After 30 LTOs had arrived in Harare, the Chief Observer, Pierre Schori, was refused accreditation. In the wake of increasing obstruction of observation activities, the mission was withdrawn.   |

| DATE   | COUNTRY              | ELECTION TYPE  | EU EOM DETAILS                       |           |       |       |                                 |           |                                       | Specific Comments   |
|--|----------------------|--|--------------------------------------|-----------|-------|-------|---------------------------------|-----------|---------------------------------------|---|
|  |                      |  | HEAD OF MISSION                      | CORE TEAM | LTO'S | STO'S | DURATION                        | BUDGET    | EP DEL                                |   |
| 10 March 2002                                | Congo<br>Brazzaville | Presidential   | Mr. Joaquim Miranda,<br>MEP (PT)     | 6         | 18    | 19    | 18 Feb<br>-<br>mid Mar          | 996.000   | YES                                   | The Presidential elections in Congo-Brazzaville took place after a period without elections, protracted instability and civil war.  |
| 14 April 2002                                | East Timor           | Presidential   | Mr. John Bowis,<br>MEP (UK)          | 5         | 4     | 32    | end Mar<br>-<br>end Apr         | 510.000   |                                       | After the 1999 referendum on independence and the election of a constituent assembly, the Presidential Elections represented the third and final step of popular consultations prior to independence. |
| 14 May 2002                                  | Sierra Leone         | Presidential<br>and<br>Parliamentary   | Mr. Johan Van Hecke,<br>MEP (BE)     | 6         | 20    | 64    | Apr<br>-<br>Jun                 | 1.558.000 | YES                                   | Elections marked a first step back to democracy but the peace and democratic process remain fragile.  |
| 10 October 2002                              | Pakistan             | General  | Mr. John Cushnahan,<br>MEP (IE)      | 9         | 43    | 30    | Aug<br>-<br>mid Oct             | 1.880.000 | YES                                   | The elections were called to signal the restoration of democracy in the country following the 1999 military coup.   |
| 20 October<br>and<br>24 November<br>2002     | Ecuador              | Presidential,<br>Parliamentary<br>and Local  | Ms. Emma Bonino,<br>MEP (IT)         | 6         | 16    | 40    | 9 Sep<br>-<br>mid Dec           | 1.215.000 | YES                                   | The democratic institutions in Ecuador had been shaken in the previous years when two consecutive elected presidents were forced out of office amid accusations of incompetence and corruption.       |
| 15 December<br>2002                          | Madagascar           | Parliamentary  | Ms. Tana de Zulueta,<br>Senator (IT) | 6         | 14    | 46    | 6 Nov 2002<br>-<br>16 Jan 2003  | 974.000   | YES                                   | These elections were particularly important after the controversial Presidential elections 12 months before.  |
| 27 December<br>2002                          | Kenya                | Presidential,<br>National Assembly<br>and Civic                                    | Mr. Anders Wijkman,<br>MEP (SE)      | 9         | 20    | 133   | 19 Nov 2002<br>-<br>17 Jan 2003 | 1.786.000 | YES                                   | The EOM was part of the EU's efforts to support the consolidation of democracy in Kenya.  |
| 12 April 2003<br>19 April 2003<br>3 May 2003 | Nigeria              | National Assembly<br>Presidential and<br>Gubernatorial<br>State Houses of Assembly | Mr. Max van den Berg,<br>MEP (NL)    | 7         | 38    | 62    | 11 Mar<br>-<br>20 May           | 2.972.000 | YES<br>(Pres<br>identi<br>al<br>only) | These were the first elections under civilian administration after the return to democracy in 1999.   |

| <u>DATE</u>  | <u>COUNTRY</u> | <u>ELECTION TYPE</u>      | <u>EU EOM DETAILS</u>           |                  |              |              |                       |               |               | <u>Specific Comments</u>  |
|--------------|----------------|---------------------------|---------------------------------|------------------|--------------|--------------|-----------------------|---------------|---------------|---|
|              |                |                           | <u>HEAD OF MISSION</u>          | <u>CORE TEAM</u> | <u>LTO'S</u> | <u>STO'S</u> | <u>DURATION</u>       | <u>BUDGET</u> | <u>EP DEL</u> |   |
| 26 May 2003  | Rwanda         | Constitutional Referendum | Ms. Colette Flesch,<br>MEP (LU) | 6                | 12           |              | 29 Apr<br>-<br>7 Jun  | 379.684       |               | The 2003 constitutional referendum and elections were important steps towards completing the transition phase following the 1994 genocide and establishing democratic institutions in Rwanda. |
| 27 July 2003 | Cambodia       | Parliamentary             | Mr. Robert Evans,<br>MEP (UK)   | 6                | 36           | 70           | 11 Jun<br>-<br>30 Aug | 1.557.000     | YES           | These elections were a further test for the development and consolidation of decentralized government in Cambodia.  |