



**Report to the Sixteenth OSCE Ministerial Council on Election-Related Issues and Election
Observation Activities in 2008**

MC.GAL/10/08
26 November 2008

Original: ENGLISH

Introduction

The Finnish Chairmanship has stressed the implementation of commitments related to elections and election observation by the OSCE in all participating States and recognised the need expressed by the participating States to engage in dialogue on these issues. The Chairmanship has also encouraged all participating States to invite the OSCE to observe their elections in accordance with agreed OSCE commitments and established practice.

The purpose of the Finnish Chairmanship has been to open a dialogue and pave the way for consensus-building on election-related issues, including election observation. Such a dialogue will necessarily be a long-term process.

The work of the Finnish Chairmanship has been based on the fact that the existing election-related commitments of the OSCE - in particular the Copenhagen 1990 commitmentsⁱ, the Budapest 1994ⁱⁱ and the Istanbul 1999ⁱⁱⁱ commitments - form the basis of OSCE election-related activities.

Activities of the Special Envoy on Election-Related Issues

The Chairman-in-Office appointed MP Kimmo Kiljunen to act as his Special Envoy on Election-Related Issues in 2008 as a part of the Chairmanship's efforts to enhance dialogue between the participating States. The Special Envoy was tasked to seek the views of the participating States, the Office for Democratic Institutions and Human Rights (ODIHR) and the Parliamentary Assembly on election-related issues and to foster dialogue and build consensus on these issues. In addition, the Special Envoy made a survey of election-related activities of other international organisations and actors, amongst others the United Nations, the Council of Europe, the European Parliament, the EU Commission, the Commonwealth of Independent States (CIS) and the Organisation of American States (OAS).

The Special Envoy conducted consultations through his visits in Vienna in May 2008, Moscow in June 2008 and Washington in September 2008. He consulted the Parliamentary Assembly and the ODIHR in April 2008. He has also met with representatives of the European Commission and the European Parliament in June 2008, the Council of Europe in June 2008, the OAS in September 2008 and the United Nations in September 2008 as well as with representatives of the CIS in the context of the Chairmanship Seminar on Election-Related Issues in July 2008. In addition, he participated as an observer in the discussions on OSCE election observation between the Parliamentary Assembly and the CIS Parliamentary Assembly in St. Petersburg in May 2008. He will participate in CIS round table discussions on election observation conducted by the CIS in December 2008.

Special Envoy Kimmo Kiljunen together with Ambassador Tom Grönberg, Representative of the Chairman-in-Office for Election Observation Missions, represented the Finnish Chairmanship at the Chairmanship Seminar on Election-Related Issues in Vienna in July 2008 and the Chairmanship Expert Seminar on Electronic Voting in Helsinki in October 2008.

Election-Related Events in 2008

The Chairmanship Seminar on Election-Related Issues was held in Vienna on 21-22 July. The participating States, the ODIHR and the Parliamentary Assembly actively participated in the seminar. A number of international election-related actors were invited to address the seminar, among them the United Nations, the European Commission and the CIS. The seminar covered a wide range of issues relating to the implementation of existing OSCE election-related commitments, election observation as well as follow-up to recommendations by OSCE election observation missions and technical assistance provided by the OSCE. The Netherlands, Albania and Ukraine presented their experiences in following up recommendations of OSCE election observation missions. Specific issues that were brought up for discussion were the importance of long-term observation and partnerships at all levels, including with civil society organisations, in the implementation of recommendations of election observation missions. The need to enhance the overall implementation of OSCE election-related commitments was also highlighted.

The Chairmanship Expert Seminar on Electronic Voting was held in Helsinki on 26-27 October. It provided an opportunity for experts from the participating States to exchange best practices and shortfalls of different e-voting systems. The Council of Europe gave a presentation of its recommendations on legal, operational and technical standards for e-voting. One of the conclusions of the seminar was that when choosing a model of e-voting, states should consider which model best suits the needs of voters and requirements of the electoral administration. The Copenhagen commitments as well as other OSCE commitments were considered equally important for e-voting as for traditional means of voting. The need to ensure their implementation was stressed. Efforts need to be taken to ensure transparency of the voting process on the one hand and the secrecy of the vote on the other hand. Accountability of the election administration to the voters was also considered central in ensuring the success of e-voting.

In addition, election-related issues were discussed during the session on democratic institutions, including democratic elections, in the Human Dimension Implementation Meeting in Warsaw in October 2008.

Activities of the Personal Representatives of the Chairman-in-Office in Election Observation Missions

Following the example set by the Spanish Chairmanship in 2007, the Chairman-in-Office has sent his Personal Representative - either Ambassador Tom Grönberg, Representative of the Chairman-in-Office for Election Observation Missions or Special Envoy Heikki Talvitie - to participate in election observation missions where both the ODIHR and the Parliamentary Assembly have participated. The Personal Representatives have not been involved in election observation, but their role has been to ensure co-operation in accordance with the 1997 Co-operation Agreement^{iv}, the Brussels 19/06^v decision and on the basis of established practice between the ODIHR and the OSCE Parliamentary Assembly.

The Chairmanship has fully respected the autonomous character in which OSCE election observation is carried out, and appreciates the roles of both ODIHR and the Parliamentary Assembly in OSCE election observation missions. The Chairmanship welcomes the co-operation of the ODIHR and the Parliamentary Assembly in election observation missions during 2008 in

accordance with the 1997 Co-operation Agreement and the Brussels 19/06 decision and on the basis of established practice.

Special Envoy Heikki Talvitie participated in the election observation missions in the presidential elections in Georgia on 5 January, the presidential elections in Armenia on 19 February, the parliamentary elections in Serbia on 11 May and the parliamentary elections in Georgia on 21 May.

Ambassador Tom Grönberg participated in the election observation missions in the parliamentary elections in the former Yugoslav Republic of Macedonia on 1 June and 15 June (re-runs), the parliamentary elections in Belarus on 28 September, and the presidential and congressional elections in United States of America on 4 November. He also participated as the Chairman-in-Office's Personal Representative in the election observation mission to the presidential elections in Azerbaijan on 15 October. The OSCE Parliamentary Assembly did not observe these elections, but the ODIHR's election observation mission co-operated with the election observation missions of the Council of Europe Parliamentary Assembly (PACE) and the European Parliament.

Ambassador Tom Grönberg participated in a seminar on election observation organised by the Commonwealth of Independent States in St. Petersburg in February. In addition, he represented together with Special Envoy Kimmo Kiljunen the Finnish Chairmanship at the Chairmanship Seminar on Election-Related Issues in Vienna in July 2008 and the Chairmanship Expert Seminar on Electronic Voting in Helsinki in October 2008.

General Remarks and Conclusions

The dialogue on election-related issues during 2008 has been constructive and paved the way for further dialogue. It has been reaffirmed that the participating States consider OSCE election-related commitments binding and the need to continue efforts to intensify their implementation has been widely recognised.

Election observation is a tool to increase public confidence in the election system of a country. The majority of the participating States recognize the election observation methodology developed by the ODIHR as a way to make an objective assessment of compliance with OSCE commitments. It should be noted that several international election monitoring actors have adopted this methodology. However, some participating States have raised criticism towards this methodology. These participating States have suggested the adoption of a set of rules to regulate the conduct of OSCE election observation missions.

Participating States have brought up the need to broaden the scope of countries that are subject to election observation. Here it can be noted that the OSCE has observed elections across the OSCE area in 2008 - among them Georgia, Armenia, Spain, Montenegro, Italy, Serbia, the former Yugoslav Republic of Macedonia, Belarus, Azerbaijan and the United States of America.

Two particular cases stand out with respect to elections carried out in the OSCE area in 2008. The Chairmanship expressed its disappointment that the ODIHR and the Russian Central Election Commission did not reach an understanding on the terms of election observation in the Russian presidential elections on 2 March. At the same time the Chairmanship noted that the Parliamentary Assembly decided not to deploy an election observation mission to the Russian

presidential elections. With respect to the presidential and congressional elections in the United States, the Chairmanship deplored the fact that there was no joint statement by the ODIHR and the Parliamentary Assembly, although both deployed an election observation mission to these elections.

The importance of long-term observation has been highlighted by many participating States. It ensures a comprehensive assessment of the electoral process as a whole, including the assessment of the realisation of freedom of expression, freedom of assembly and freedom of association that are essential elements in democratic participation. Long-term observation forms the basis for targeted recommendations with a view to improve the electoral systems in the participating States. It would be useful to conduct further discussions on the aims and conduct of long-term observation.

OSCE election observation recommendations have given impetus for several participating States to reform their legislative and administrative frameworks for elections. During the OSCE Chairmanship Seminar on Election-Related Issues examples were presented on how recommendations have led to improvements also recognised by the countries in question. However, more needs to be done by the participating States to ensure a more coherent and effective follow-up to recommendations of OSCE election observation. In this context, the involvement of non-governmental organisations as well as other civil society actors is essential to ensure the transparency of the election process and the accountability of election administration.

The Finnish Chairmanship would like to encourage the participating States, the ODIHR and the Parliamentary Assembly to continue an open, constructive and future-oriented dialogue on election-related issues and activities.

Helsinki, 25 November 2008

MP Kimmo Kiljunen, Special Envoy on Election-Related Issues

Ambassador Tom Grönberg, Representative of the Chairman-in-Office for Election Observation Missions

Ambassador Heikki Talvitie, Special Envoy of the Chairman-in-Office

ⁱ Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Copenhagen 1990.

ⁱⁱ Budapest Document: Towards a Genuine Partnership in a New Era (Summit of Heads of State or Government), Budapest 1994.

ⁱⁱⁱ Istanbul Document (Summit of Heads of State or Government), Istanbul 1999.

^{iv} Co-operation Agreement between the OSCE Parliamentary Assembly and the OSCE Office for Democratic Institutions and Human Rights, Copenhagen, 2nd September 1997.

^v Decision No. 19/06 Strengthening the effectiveness of the OSCE, MC.DEC/19/06, 5 December 2006.