

**Statement of Patrick Merloe
Senior Associate and Director of Electoral Programs**

NATIONAL DEMOCRATIC INSTITUTE (NDI)

before the

**UNITED STATES COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

May 17, 2006

**HEARING ON “ADVANCING THE HUMAN DIMENSION: THE ROLE OF THE
OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS”**

Mr. Chairman:

Thank you for this opportunity to comment on the outstanding role of the OSCE’s Office for Democratic Institutions and Human Rights in advancing the OSCE’s Human Dimension. It is an honor to appear once again before the Commission. I want to begin by expressing appreciation for your efforts to monitor OSCE participating States’ compliance with their commitments made freely in the OSCE process. This Commission, and Congress more broadly, play vital roles in creating a sense of accountability within the OSCE.

NDI has worked with the ODIHR since the Office was founded in 1991. Our collaboration has encompassed a wide variety of issues in more than 20 countries throughout the Balkans, Central and Eastern Europe, the Baltic States and Eurasia. The issues cover many critical concerns within the OSCE’s Human Dimension related to the rule of law, human rights and democratization.

Today’s hearing focuses on the ODIHR’s role in international election observation. I am happy to report that NDI has worked with ODIHR over the last 15 years on electoral matters in every country in the OSCE region that has, is or purports to be undergoing a democratic transition. This collaboration includes making commentaries on election laws, supporting the efforts of thousands of domestic nonpartisan election observers, enhancing the electoral participation of women and minorities, including programs to enhance the political participation of Roma, and, of course, conducting international election observation. I personally have participated in OSCE international election observation missions, coordinated OSCE and NDI election observation missions and have had the honor of moderating ODIHR election expert groups and several sessions at OSCE Human Dimension Meetings that focused on principles for democratic elections.

Mr Chairman: For the purposes of today's hearing it is important to put the ODIHR's election observation efforts into a global perspective. In our work around the world, NDI engages all of the major organizations that conduct impartial and effective international election observation. The ODIHR is the most active intergovernmental organization in observing elections, and it is a leading force in establishing methodologies and practice for ensuring the integrity of election observation.

There is a clear benchmark to use when considering the integrity of international election observation. The Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers is that benchmark. On October 27, 2005, a ceremony was conducted at the United Nations commemorating the endorsement of the Declaration of Principles by 21 leading international and intergovernmental organizations. Among the endorsers are the UN Secretariat, the Commonwealth Secretariat, the African Union, the European Commission, the Organization of American States, the Council of Europe Parliamentary Assembly, the Southern African Development Community Parliamentary Forum, the Inter-Parliamentary Union, and the leading regional and international nongovernmental organizations that engage in election observation, including those represented on this panel, IRI, IFES and NDI.

Mr. Chairman: As one of the principle negotiators in process leading to the Declaration of Principles for International Election Observation, I can attest to three things: First, the ODIHR was a significant contributor to the process; second, the ODIHR's observation methodology provided a leading example for drafting the principles contained in the Declaration; and third, ODIHR's practice complies with Declaration of Principles, which call for the "drawing of conclusions about the nature of electoral processes based on the highest standards for accuracy of information and impartiality of analysis."

I have attached a copy of the Declaration of Principles for International Election Observation to my testimony. Its 24 paragraphs and accompanying Code of Conduct provide a detailed approach to safeguarding the integrity of election observation. I also point to the ODIHR's several publications on international election observation, which demonstrate the ODIHR's methodologies, commitment to integrity and efforts to ensure the broadest participation in elections and respect for electoral related rights in OSCE participating States.

In my personal view and that of NDI, the ODIHR provides an exemplary model in international election observation. Rather than dwelling on that role, it is important to recall the functions of election observation, the problems and challenges within the OSCE region for meeting States' commitments to holding democratic elections and what might be done to address important gaps in State practice.

A few OSCE participating States are criticizing the ODIHR's approach to election observation. The essence of their challenge is to divert attention away from the failures

of States to meet their commitments to organize democratic elections. It is not unusual for those who are conducting faulty or fraudulent practices to attack the credibility of those who bear witness to their actions. We should not be diverted by such tactics. No organization is perfect, but the important electoral problem in the OSCE region is the failure of numerous participating States to meet their commitments in the electoral arena. The principle problem is not imperfections in the ODIHR's observation practice. In fact, to meet the main challenge of achieving democratic elections, the ODIHR's role should be strengthened.

When the OSCE's 1990 Copenhagen Document was drafted, there was an enthusiastic consensus for its broad-ranging commitments to human rights and democratic development, including the commitments to organizing democratic elections. That consensus was the product of more than 15 years of contentious exchanges in the Helsinki Process. In the 16 years since the Copenhagen Document, most of the democratic transitions in Baltic, Balkan and central European countries are proceeding relatively well. However, this is not the case with many countries in Eurasia, where democratic transitions have moved more slowly, stalled or in some cases reversed course into consolidating authoritarianism. The 1990 consensus has increasingly been replaced with a dynamic of contentiousness, similar to earlier phases of the Helsinki Process, in which those monitoring compliance with commitments are attacked rather than asked for assistance in addressing shortcomings.

Mr. Chairman: We all recognize that sovereignty belongs to the people of a country. We recognize that the authority and legitimacy of government derives from the will of the people expressed in genuine democratic elections. To achieve democratic elections a wide range of civil and political rights must be freely exercised and respected. That requires the proper functioning of a significant number of institutions and processes. Elections therefore require those who hold power to provide a democratic political process as a means to establishing the basis for democratic governance. OSCE participating States commit to creating and maintaining this circularly reinforcing process, and commit to accepting election observation as a means to improving their practice. The Copenhagen Document's paragraphs 6 and 8 tell us that.

To advance the Human Dimension within the OSCE, participating States need to muster and demonstrate the political will to improve the quality of their elections and to accept the role of the ODIHR and other organizations – both domestic and international – that seek to observe elections and offer recommendations for improving election-related processes.

Unfortunately, a number of participating States choose to attack the role of the ODIHR, to deny election observer accreditation to other respected international organizations, to deny legal status and observer accreditation to qualified nonpartisan domestic observer organizations, and in some cases to harass, arrest and even tolerate physical attacks on citizens who seek to exercise their rights to observe their country's elections. These attacks upon the rights of organizations and citizens to observe elections are best seen as efforts to prevent documentation and reporting of electoral abuses.

We all should recognize that at this point – 16 years after the Copenhagen Document – the headline can no longer be that certain states are making incremental improvements from the highly substandard electoral practices of their initial multi-party elections. The headline is that there are certain participating States that fail to demonstrate the political will to organize elections that meet OSCE commitments and other minimum standards for democratic elections.

Moreover, if a State is not meeting its electoral commitments, it is highly likely that it is not advancing otherwise in the Human Dimension. Such failures undermine political stability needed to advance in the economic and security dimensions. Therefore, ignoring electoral failings in the short-term may well contribute to eventual future crises that threaten both domestic and international peace and stability.

We should note the areas where most electoral abuses in the OSCE region take place and what should be done to ensure that participating States meet electoral related OSCE commitments. Among the problematic areas are the following.

- The right to universal and equal suffrage is often compromised, particularly concerning: the participation of women and minorities; equal weight of votes among citizens in different election districts; and the provision of a genuine opportunity to vote based on accurate voter registries.
- The legal framework for the elections too often do not adequately safeguard the right to be elected, particularly concerning legal registration and ballot access for parties and candidates.
- The ability of citizens to seek and receive sufficient, accurate information upon which to make political choices is often insufficient, due to media bias and a lack of genuine pluralistic views presented in the media.
- The ability of political competitors to organize and reach out to citizens in order to win citizen support is often unduly restricted and often overwhelmed by the use of state resources for the advantage of those in office.
- The composition of election administration bodies too often precludes impartial action.
- The freedom of citizens and political competitors to engage in the electoral process without fear of intimidation, violence or retribution for their choices is too often infringed.
- The conduct of voting, counting, results tabulation, transmission and announcement processes are too often manipulated.
- The handling of election complaints and the application of sanctions for electoral-related violations is too often ineffective.

We should also note that, where States have continually failed to meet OSCE electoral commitments, the failures include not implementing recommendations by ODIHR and others – and that is despite States’ commitments to follow-up on such recommendations.

Mr. Chairman: The key to meeting OSCE commitments for democratic elections is demonstration of sufficient political will to reform and improve. This is as true in any established democracy that faces a decline of public confidence in its electoral practice as it is for any country that has not yet established a tradition of democratic elections that its citizens can trust. Election observation by the ODIHR and domestic and international organizations that are concerned with electoral integrity can contribute significantly in all such cases.

I will conclude by highlighting five areas where existing OSCE electoral related commitments should be elaborated and clarified to strengthened state practice and the role of the ODIHR:

- Universal and equal suffrage;
- Accountability;
- Transparency;
- Public confidence; and
- Follow-up to election-related recommendations.

A number of additional commitments have been added since the Copenhagen Document through OSCE summit documents and Ministerial Decisions. The Copenhagen Document and those additional commitments provide an adequate framework; nonetheless, further electoral commitments would be advantageous.

Universal and equal suffrage is the cornerstone of all things electoral. Yet, many OSCE participating States face significant problems in realizing that principle. Participating States should be willing to make an explicit commitment to review their legal frameworks and electoral practice to remove any obstacles to effectively realizing universal and equal suffrage.

Accountability for meeting electoral commitments involves provision of effective remedies to redress violations of electoral-related rights and prosecution of those who violate such rights. Participating States should be willing to make an explicit commitment to review their electoral administration and legal systems to ensure electoral-related accountability.

Transparency derives from the precept that citizens have the right to participate in government directly or indirectly by choosing representatives through genuine democratic elections. Citizens, whether those seeking to participate directly by standing for office or indirectly by voting, have the right to see into the election process in order to be sure that it is honest. Participating States should therefore be willing to make an explicit commitment to provide electoral transparency to political competitors, domestic election observation organizations, media and international observers.

Follow-up to ODIHR's electoral recommendations is specifically addressed in a commitment in the Istanbul summit document. However, state practice in this area has been inadequate. The ODIHR should be empowered to take specific actions to go to

participating States to evaluate follow-up on recommendations, and a follow-up mechanism could be developed. Participating States should be willing to make an explicit commitment concerning follow-up actions on ODIHR recommendations and to authorize the ODIHR to take steps necessary to evaluate such actions.

Mr. Chairman: NDI congratulates the ODIHR for its important contributions to the promotion of democracy and fundamental human rights in the OSCE region. The ODIHR has advanced the cause of the OSCE through its election observation missions, electoral needs assessment missions, recommendations to participating States for improving election processes, assistance in developing legal frameworks for elections that comply with international standards, as well as using its good offices to help divergent political interests open dialogue about acceptable ground rules for political competition. The non-electoral work of ODIHR has contributed to more open and inclusive political processes that incorporate women and national minorities, to the exercise of fundamental rights and to the advancement of the rule of law.

NDI hopes that the Commission will be able to effectively encourage OSCE participating States to meet their electoral-related commitments, to advance the Human Dimension by clarifying and strengthening those commitments in the future and to support the ODIHR in furthering its mandate.

Thank you Mr. Chairman.

ANNEX

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION *October 27, 2005*

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced.

Genuine democratic elections are a requisite condition for democratic governance, because they are the vehicle through which the people of a country freely express their will, on a basis established by law, as to who shall have the legitimacy to govern in their name and in their interests. Achieving genuine democratic elections is a part of establishing broader processes and institutions of democratic governance. Therefore, while all election processes should reflect universal principles for genuine democratic elections, no election can be separated from the political, cultural and historical context in which it takes place.

Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. They, like other human rights and democracy more broadly, cannot be achieved without the protections of the rule of law. These precepts are recognized by human rights and other international instruments and by the documents of numerous intergovernmental organizations. Achieving genuine democratic elections therefore has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognizing that it is the people of a country who ultimately determine credibility and legitimacy of an election process.

International election observation has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), domestic election monitoring organizations and other credible international election observer organizations, among others.

The intergovernmental and international nongovernmental organizations endorsing this Declaration and the accompanying Code of Conduct for International Election Observers therefore have joined to declare:

- 1) Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.
- 2) In accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.
- 3) The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.
- 4) International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions

related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation.

- 5) International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialized observation missions may examine limited pre-election or post-election issues and specific processes (such as, delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms). Stand-alone, specialized observation missions may also be employed, as long as such missions make clear public statements that their activities and conclusions are limited in scope and that they draw no conclusions about the overall election process based on such limited activities. All observer missions must make concerted efforts to place the election day into its context and not to over-emphasize the importance of election day observations. International election observation examines conditions relating to the right to vote and to be elected, including, among other things, discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, colour, ethnicity, language, religion, national or social origin, property, birth or other status, such as physical disabilities. The findings of international election observation missions provide a factual common point of reference for all persons interested in the elections, including the political competitors. This can be particularly valuable in the context of disputed elections, where impartial and accurate findings can help to mitigate the potential for conflicts.
- 6) International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral result, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member of an international election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of election day observation, each of which periods present specific challenges for independent and impartial analysis. International election observation missions should not

accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings. International election observation delegations should be prepared to disclose the sources of their funding upon appropriate and reasonable requests.

- 7) International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and issue a preliminary post-election statement of findings and a final report upon the conclusion of the election process. International election observation missions may conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.
- 8) The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions.
- 9) International election observation must be conducted with respect for the sovereignty of the country holding elections and with respect for the human rights of the people of the country. International election observation missions must respect the laws of the host country, as well as national authorities, including electoral bodies, and act in a manner that is consistent with respecting and promoting human rights and fundamental freedoms.
- 10) International election observation missions must actively seek cooperation with host country electoral authorities and must not obstruct the election process.
- 11) A decision by any organization to organize an international election observation mission or to explore the possibility of organizing an observation mission does not imply that the organization necessarily deems the election process in the country holding the elections to be credible. An organization should not send an international election observation mission to a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process, and international election

observation missions in any such circumstance should make public statements to ensure that their presence does not imply such legitimacy.

- 12) In order for an international election observation mission to effectively and credibly conduct its work basic conditions must be met. An international election observation mission therefore should not be organized unless the country holding the election takes the following actions:
 - (a) Issues an invitation or otherwise indicates its willingness to accept international election observation missions in accordance with each organization's requirements sufficiently in advance of elections to allow analysis of all of the processes that are important to organizing genuine democratic elections;
 - (b) Guarantees unimpeded access of the international election observer mission to all stages of the election process and all election technologies, including electronic technologies and the certification processes for electronic voting and other technologies, without requiring election observation missions to enter into confidentiality or other nondisclosure agreements concerning technologies or election processes, and recognizes that international election observation missions may not certify technologies as acceptable;
 - (c) Guarantees unimpeded access to all persons concerned with election processes, including: (i) electoral officials at all levels, upon reasonable requests, (ii) members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections, (iii) all of the political parties, organizations and persons that have sought to compete in the elections (including those that qualified, those that were disqualified and those that withdrew from participating) and those that abstained from participating, (iv) news media personnel, and (v) all organizations and persons that are interested in achieving genuine democratic elections in the country;
 - (d) Guarantees freedom of movement around the country for all members of the international election observer mission;
 - (e) Guarantees the international election observer mission's freedom to issue without interference public statements and reports concerning its findings and recommendations about election related processes and developments;
 - (f) Guarantees that no governmental, security or electoral authority will interfere in the selection of individual observers or other members of the international election observation mission or attempt to limit its numbers;
 - (g) Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation;

- (h) Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and
- (i) Guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who works for, assists or provides information to the international election observation mission in accordance with international principles for election observation.

As a prerequisite to organizing an international election observation mission, intergovernmental and international nongovernmental organizations may require that such guarantees are set forth in a memorandum of understanding or similar document agreed upon by governmental and/or electoral authorities. Election observation is a civilian activity, and its utility is questionable in circumstances that present severe security risks, limit safe deployments of observers or otherwise would negate employing credible election observation methodologies.

- 13) International election observation missions should seek and may require acceptance of their presence by all major political competitors.
- 14) Political contestants (parties, candidates and supporters of positions on referenda) have vested interests in the electoral process through their rights to be elected and to participate directly in government. They therefore should be allowed to monitor all processes related to elections and observe procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials.
- 15) International election observation missions should: (i) establish communications with all political competitors in the election process, including representatives of political parties and candidates who may have information concerning the integrity of the election process; (ii) welcome information provided by them concerning the nature of the process; (iii) independently and impartially evaluate such information; and (iv) should evaluate as an important aspect of international election observation whether the political contestants are, on a nondiscriminatory basis, afforded access to verify the integrity of all elements and stages of the election process. International election observation missions should in their recommendations, which may be issued in writing or otherwise be presented at various stages of the election process, advocate for removing any undue restrictions or interference against activities by the political competitors to safeguard the integrity of electoral processes.
- 16) Citizens have an internationally recognized right to associate and a right to participate in governmental and public affairs in their country. These rights may be exercised through nongovernmental organizations monitoring all processes

related to elections and observing procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials. International election observation missions should evaluate and report on whether domestic nonpartisan election monitoring and observation organizations are able, on a nondiscriminatory basis, to conduct their activities without undue restrictions or interference. International election observation missions should advocate for the right of citizens to conduct domestic nonpartisan election observation without any undue restrictions or interference and should in their recommendations address removing any such undue restrictions or interference.

- 17) International election observation missions should identify, establish regular communications with and cooperate as appropriate with credible domestic nonpartisan election monitoring organizations. International election observation missions should welcome information provided by such organizations concerning the nature of the election process. Upon independent evaluation of information provided by such organizations, their findings can provide an important complement to the findings of international election observation missions, although international election observation missions must remain independent. International election observation missions therefore should make every reasonable effort to consult with such organizations before issuing any statements.
- 18) The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ.
- 19) The intergovernmental and nongovernmental organizations endorsing this Declaration recognize that there are a variety of credible methodologies for observing election processes and commit to sharing approaches and harmonizing methodologies as appropriate. They also recognize that international election observation missions must be of sufficient size to determine independently and impartially the character of election processes in a country and must be of sufficient duration to determine the character of all of the critical elements of the election process in the pre-election, election-day and post-election periods – unless an observation activity is focused on and therefore only comments on one or a limited number of elements of the election process. They further recognize that it is necessary not to isolate or over-emphasize election day observations, and that such observations must be placed into the context of the overall electoral process.

- 20) The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that international election observation missions should include persons of sufficiently diverse political and professional skills, standing and proven integrity to observe and judge processes in light of: expertise in electoral processes and established electoral principles; international human rights; comparative election law and administration practices (including use of computer and other election technology); comparative political processes and country specific considerations. The endorsing organizations also recognize the importance of balanced gender diversity in the composition of participants and leadership of international election observation missions, as well as diversity of citizenship in such missions.

- 21) The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to: (i) familiarize all participants in their international election observation missions concerning the principles of accuracy of information and political impartiality in making judgments and conclusions; (ii) provide a terms of reference or similar document, explaining the purposes of the mission; (iii) provide information concerning relevant national laws and regulations, the general political environment and other matters, including those that relate to the security and well being of observers;(iv) instruct all participants in the election observation mission concerning the methodologies to be employed; and (v) require all participants in the election observation mission to read and pledge to abide by the Code of Conduct for International Election Observers, which accompanies this Declaration and which may be modified without changing its substance to fit requirements of the organization, or pledge to abide by a pre-existing code of conduct of the organization that is substantially the same as the accompanying Code of Conduct.

- 22) The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to use every effort to comply with the terms of the Declaration and the accompanying Code of Conduct for International Election Observers. Any time that an endorsing organization deems it necessary to depart from any of terms of the Declaration or the Accompanying Code of Conduct in order to conduct election observation in keeping with the spirit of the Declaration, the organization will explain in its public statements and will be prepared to answer appropriate questions from other endorsing organizations concerning why it was necessary to do so.

- 23) The endorsing organizations recognize that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organizations welcome any such observers agreeing on an ad hoc basis to this declaration and abiding by the accompanying Code of Conduct for International Election Observers.

- 24) This Declaration and the accompanying Code of Conduct for International Election Observers are intended to be technical documents that do not require

action by the political bodies of endorsing organizations (such as assemblies, councils or boards of directors), though such actions are welcome. This Declaration and the accompanying Code of Conduct for International Election Observers remain open for endorsement by other intergovernmental and international nongovernmental organizations. Endorsements should be recorded with the United Nations Electoral Assistance Division.

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including long-term and short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behavior

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

**PLEDGE TO ACCOMPANY THE CODE OF CONDUCT FOR
INTERNATIONAL ELECTION OBSERVER**

I have read and understand the Code of Conduct for International Election Observers that was provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I will respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

Signed: _____
Print Name: _____
Date: _____

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION AND CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

Endorsing Organizations:

African Union
Asian Network for Free Elections (ANFREL)
The Carter Center
Center for Electoral Promotion and Assistance (CAPEL)
Commonwealth Secretariat
Council of European Commission for Democracy through Law (Venice Commission)
Council of Europe – Parliamentary Assembly (PACE)
Electoral Institute of Southern African (EISA)
European Commission
European Network of Election Monitoring Organizations (ENEMO)
Electoral Reform International Services (ERIS)
IFES
International IDEA
Inter-Parliamentary Union (IPU)
International Republican Institute (IRI)
National Democratic Institute (NDI)
Organization of American States (OAS)
Organization for Security and Cooperation in Europe, Office of Democratic Institutions
and Human Rights (OSCE/ODIHR)
Pacific Islands, Australia & New Zealand Electoral Administrators' Association
(PIANZEA)
Pacific Island Forum
Southern African Development Community Parliamentary Forum (SADC-PF)
United Nations Secretariat
United States Association of Former Members of Congress (USAFMC)

Acknowledgements

The Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers were developed through a multi-year process involving more than 20 intergovernmental and international nongovernmental organizations concerned with election observation around the world.

The process began informally in 2001 at the initiative of the National Democratic Institute for International Affairs (NDI) and the United Nations Electoral Assistance Division (UNEAD) and included an initial meeting at the UN in New York and a meeting in Washington co-hosted by the OAS and NDI.

Building on that foundation, the UNEAD, The Carter Center and NDI formed a joint secretariat and launched the formal phase of the process in October 2003 at a meeting held at The Carter Center in Atlanta. This was followed by a September 2004 meeting in

Brussels, which was hosted by the European Commission. An ongoing consultative process transpired among the participating organizations, which resulted in a consensus document that was offered for organizational endorsements beginning in July 2005.

The secretariat was comprised of Carina Perelli and Sean Dunne for UNEAD, David Carroll, David Pottie and Avery Davis-Roberts for The Carter Center, and Patrick Merloe and Linda Patterson for NDI. The secretariat members prepared the documents, with Mr. Merloe serving as the lead drafter, drawing on a substantial body of existing documentation from organizations involved in election observation. During the process, the secretariat received critical input and comments from many of the participating organizations.

The process was supported by financial assistance from the United Nations, the United States Agency for International Development (USAID), the European Commission, the Republic of Germany and the Starr Foundation, as well as a number of individual contributions.