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## **Determining Involvement in International Election Observation**



# **Election Guidelines**

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## **for Determining Involvement in International Election Observation**

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## Overview

1. A Round Table on International Election Observation, jointly sponsored by the International Institute for Democracy and Electoral Assistance (International IDEA) and the United Nations, was held in Stockholm on 10–12 October 1995. Participants at the Round Table noted that “the recent wave of democratization and the spread of political pluralism throughout the developing world, including Eastern Europe, has resulted in a significant increase in the number of organizations sponsoring election observation missions”.<sup>1</sup> They concluded, *inter alia*, that the identification of generally agreed norms and guidelines or prerequisites for international observation of elections would significantly help organizations in making a decision about whether or not to observe an election, and would help provide a justification for their decision to the authority that issued the invitation. Participants agreed that the formulation of such guidelines should be undertaken as one of a number of priority activities.<sup>2</sup>
2. This publication seeks to address that need by identifying guidelines for determining whether or not to take part in election observation. It should be noted that these Guidelines focus exclusively on international election observation; they do not seek to guide national organizations on whether they should observe or monitor elections in their own countries.
3. In addition to these Guidelines, International IDEA has published a *Code of Conduct for the Ethical and Professional Observation of Elections*,<sup>3</sup> a *Code of Conduct for the Ethical and Professional Administration of Elections*<sup>4</sup> and a *Code of Conduct for Political Parties Campaigning in Democratic Elections*.<sup>5</sup>
4. The development of these Guidelines involved the retrieval, collation, analysis and synthesis of criteria used by different organizations involved with election observation. The Guidelines have been developed keeping in mind International IDEA's *Code of Conduct for the Ethical and Professional Observation of Elections*, and specifically assume that those contemplating undertaking election observation accept, and will put into practice, the basic values and principles embodied in that Code of Conduct.

5. These Guidelines have two parts:

**Part One**

**Importance and Implications of Involvement in Election Observation**

This section includes a definition of election observation; outlines the different types of observer missions; and discusses the importance of having guidelines for determining election observation involvement.

**Part Two**

**Guidelines for Deciding on Involvement in Election Observation**

This section outlines the criteria to consider when faced with a decision on whether or not to undertake election observation.



# Importance and Implications of Involvement in Election Observation

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## Definition and nature of election observation

6. There was general agreement at the 1995 Round Table on International Election Observation that election evaluations conducted by observer groups should consider the entire electoral process and not simply cover the final polling phase. This does not necessarily require a permanent presence in the country throughout the electoral period but does necessitate a careful analysis of information and data compiled by key informants (international and domestic observer groups, political parties, etc.) during the registration, campaign, and other pre-electoral stages. A decision on whether to become involved in election observation, even if it only involves the voting and counting activities, should be contingent on whether the electoral environment is acceptable, based on information about the pre-electoral process.

7. The definition and nature of election observation is discussed in some detail in International IDEA's *Code of Conduct for the Ethical and Professional Observation of Elections*. The Code defines "observation" as:

"The purposeful gathering of information regarding an electoral process, and the making of informed judgements on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not be such as to jeopardize their main observation responsibilities."<sup>6</sup>

This definition will be accepted for the purposes of these Guidelines.

## Types of international election observation missions

8. International election observation missions may be mounted by:

- non-governmental organizations;
- groups of parliamentarians or other eminent persons;
- government instruments, including:

- bodies which are independent of the executive government; and
- bodies which are part of, or are subordinate to, the executive government;
- inter-governmental organizations; or
- a consortium consisting of various organizations from the above-mentioned categories.

9. Given the diversity of possible sources and structures of an observation mission, the decision to undertake election observation, in some circumstances, will have two dimensions:

- A decision will always be required on whether observation of a particular election in a particular country is appropriate.
- An organization also may find itself facing a decision as to whether participation in a particular form of proposed observation mission would be appropriate. For example, an independent electoral administration may be invited to provide members of an observer mission to another country, but on the condition that these members would not be able to express an independent view on the election observed. Instead they would be bound by the collective opinion of all members of the mission. This would give rise to questions regarding, and might be seen as compromising, the independence of the election administration.

10. In addition, it should be noted that there are different types of activities related to observation. They will not be dealt with here as they are listed and discussed in some detail in International IDEA's *Code of Conduct for the Ethical and Professional Observation of Elections*.<sup>7</sup>

### **Importance of guidelines for election observation involvement**

11. The vast majority of elections in which the involvement of large-scale observer missions is sought arise from one or a combination of special circumstances within a country or region, which may include, but are not limited to:

- cases in which elections are held in an attempt to resolve a conflict (e.g., Bosnia, Liberia);
- cases in which elections are held as a first step towards legitimate representative government, including the election of a constituent

assembly, in post-war situations (e.g., Cambodia, Mozambique, Namibia);

- cases of first-time elections after independence (e.g., Commonwealth of Independent States (CIS) countries after the break-up of the Soviet Union);
- cases of transitional elections in which the political system is still in a state of flux (e.g., Russia 1996); and
- cases of stabilizing elections where the political system is at a relatively early stage of development (e.g., Lithuania 1996).<sup>8</sup>

12. The circumstances underlying elections in these cases are such that they engender a widespread and genuine desire that the election should succeed. It is therefore tempting to see election observation in such cases as a benign activity, and to conclude that, in general, there can only be benefits associated with objectively helping to note and document the strengths and weaknesses of the electoral process in a country. Against this, however, the following factors need to be considered:

- In any country, there will be a range of bodies and groups that have an interest in how the conduct of an election is perceived. These include the incumbent government, opposition political groups, the voters and the broader population, and the election administration. Some of these groups may benefit from election observation, while others may not perceive it to be in their interest.
- The decision to invite election observers to visit a country may be a highly political one, made by authorities in the country with the view to enhancing not only the perceived legitimacy of their election processes, but also the perceived legitimacy of their own rule. The very fact that observation is taking place may be interpreted by some as a sign of the legitimacy of the election process, regardless of the conclusions reached by the observers. In such a case, the very act of observation may constitute, or be seen to constitute, a form of political statement.
- The options open to observers on the ground when they detect serious deficiencies in an electoral process are frequently limited. Observers seldom operate in a political vacuum, and may face

significant pressures constraining them from expressing their true convictions about the conduct of the electoral process if they are critical of it. This is particularly the case when an election is associated with some sort of peace process, and there are perceptions that a failure of the election process could lead to a return to conflict.

- Even when observers are able to express their reservations regarding an electoral process, the extent to which these reservations will be absorbed, noted and acted upon by the broader domestic and international communities is clearly beyond the control of the observers. Again, there is a risk that only the fact that observation took place and not the conclusions of the observers will be noticed.
- In many cases observers will be part of, or will be acting on behalf of, organizations whose prestige and influence are linked in some way to the successful conduct of the elections. Such organizations will have maximum opportunity to exercise a beneficial influence on the process by imposing appropriate conditions at a time when the relevant authorities are seeking to ensure their involvement as observers.
- The cost of mounting an election observation mission tends to be very substantial and in a time of scarce resources expenditure on observation may have to be offset by reducing spending on other worthwhile activities.

13. These points suggest that the decision to undertake observation will often have profound political implications and mark in some way a point of no return, and that it should be taken on the basis of a thorough and systematic analysis of the relevant issues. An ill-considered decision may result in an organization inadvertently giving legitimacy to an illegitimate process to the detriment of both the people of the host country and the reputation of the organization; or it may cause opportunities for the exercise of a beneficial influence over aspects of the electoral process to be lost.

14. The magnitude of the decision regarding whether or not to observe an election reinforces the need for different organizations to adopt a consistent approach to this question. The adoption of a consistent

approach will tend to strengthen the message sent by the international community when decisions are made to observe or refrain from observing particular elections. The effectiveness of the international community's pursuit of agreed democratic values will thereby be enhanced. It will also assist organizations in making decisions, which often have been viewed as potentially controversial and politically sensitive; furthermore, it will help avoid the criticism that such decisions are being made on an *ad-hoc* basis.

# Guidelines for Deciding on Involvement in Election Observation

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## Introduction

15. It should be emphasized at the outset that these Guidelines should be seen as a checklist of issues that policy-makers could consider when faced with a decision on whether or not to undertake election observation, rather than as a set of immutable rules. These Guidelines are not exhaustive; indeed, no set of guidelines could anticipate or prescribe responses to the diversity of situations that may be encountered in practice. Clearly, organizations involved in electoral observation will wish to supplement these Guidelines with practices and procedures based on their own specific circumstances and experience.

16. The Guidelines are organized into three main categories:

- (a) those relating to the establishment of the basic agreement with the host country regarding the pursuit of election observation;
- (b) those relating to the undertaking of an initial assessment of the likely character of an election; and
- (c) those relating to assessing the practicalities associated with mounting an observation mission.

## *A. Basic Agreement with the Host Country*

### Receipt of official invitation

17. It is generally accepted that the receipt of an official invitation from the national authorities of the country in which an election is being held is a necessary pre-condition for the mounting of an observation mission. This flows directly from the obligation on election observers to recognize and respect the sovereignty of the host country.<sup>9</sup> It also reflects the difficulties that uninvited observers may face in fulfilling their objectives.

18. There may however be exceptional occasions when an organization mounts an observation mission without having received a formal request. But given the issue of national sovereignty this would need to be carefully considered and approached with great caution. It should be noted that some national election commissions have had the authority to invite observers delegated to them by the electoral law.

19. It is clear that in practice the mounting of an observation mission will be feasible only if the host country provides a certain minimum level of co-operation. Uninvited observers will be unable to rely on receiving such co-operation, making the achievement of their goals problematic at best.

### **General support for observation by principal political parties and groups**

20. The potential for the decision to undertake observation to be, or to be seen to be, a political statement requires that due consideration is given to the attitude of opposition political parties and other significant groups in the host country to the proposed observation. This obligation flows directly from the requirement that observation is pursued in a way that is non-partisan and neutral.<sup>10</sup>

21. Observers whose presence in a country does not have general support are likely to face difficulties in obtaining access to the range of information and points of view that they need to enable them to perform their task effectively. In extreme cases, the deployment of observers against the wishes of a prominent political group within a country could place the observers in physical danger.

22. The existence of a consensus at the outset on the legitimacy of a particular observation mission is also likely to enhance the credibility of the mission and the ultimate authority of the conclusions reached by the observers, since those who might otherwise be tempted to repudiate the observers' findings will be less well placed to do so.

### **Prior understanding that observers may be withdrawn in certain circumstances**

23. It may well be useful to include in an agreement with the host country authorities an explicit provision that the body sponsoring the observer mission may, at its discretion, decide to terminate its observation effort. Depending on the circumstances, such an action might be justified on general grounds or it might be linked to the non-fulfilment of crucial, identified and agreed milestones in the electoral process or the occurrence of specific events.

## ***B. Initial Assessment of the Likely Character of the Election***

24. The existence of a reasonably "level playing field" on which the conditions and framework for electoral competition are fair is an

important aspect that will need to be evaluated when determining the likely character of the electoral process. The political parties contesting the election should be able to operate within a legal and political framework and a *de facto* environment that is equal for all parties and does not discriminate unfairly against any party.

25. An organization contemplating election observation should consider a range of issues that would enable it to make an initial assessment of the likely credibility of the election. This will assist in determining whether or not an observation mission should be deployed. The issues to consider include:

- the existence of basic rights and freedoms in the host country;
- the current constitution and electoral laws in the host country;
- the credibility of the electoral authorities in the host country;
- the circumstances affecting the observers' capacity to determine the relevant factors for the credibility of the election; and
- the guarantee of rights for observers.

26. Making an assessment of the likely character of an election cannot proceed in a mechanical or formulaic way, since the desirable pre-conditions for election observation by their very nature tend not to be “fulfilled” or “unfulfilled” but rather lie on a continuum stretching between the two extremes.<sup>11</sup> In each case an assessment should also be made of the relative importance of the various pre-conditions.

27. In some cases it will be reasonably clear on the basis of information readily available to an organization invited to undertake an observation mission that there is little or no chance that the election in question will meet internationally-accepted standards of freedom and fairness. In such a case, it might be thought appropriate to refrain from undertaking observation. The benefits of obtaining additional information on the ground and the opportunity to document the deficiencies of the process could be outweighed by the risk that the observation itself might be seen as giving the process unwarranted legitimacy.

28. It may be necessary to make an assessment not only of the conditions at a particular time but of the direction in which events are developing: different responses may be appropriate to a situation which is



unsatisfactory but improving, than to a situation that is unsatisfactory and deteriorating.

29. It is also important that assessments are made from an holistic perspective: it may be that each aspect of the situation in a country, analysed in isolation, points to the possibility of free and fair elections but, when considered together, patterns may become apparent which point to a different conclusion.

30. Much will depend on a general assessment of whether the host country's authorities are committed to the conduct of elections in accordance with internationally-accepted standards. This, in turn, is likely to require an assessment of the intentions of major players, and a judgement of whether their stated motivations can be accepted at face value.

31. In this context, it is important to bear in mind that different host-country authorities may have different motives. For example, the electoral authorities may be fully committed to the conduct of a free and fair election, but may find their efforts frustrated by other authorities. In such a situation, the need to provide moral support to those elements in the host country that are working towards the conduct of free and fair elections might be seen as most important.

### **Existence of basic rights and freedoms**

32. The observance in a country of certain basic rights and freedoms is a necessary pre-condition for the conduct of a free and fair election.<sup>12</sup>

Typically, the issues which should be focused on include:

- freedom of movement, assembly, expression and political organization for both individuals and groups;
- freedom from threats and intimidation, including access to effective protection and the rule of law;
- the existence of arrangements for equitable access to the media, especially media controlled by the national authorities; and
- the existence of arrangements preventing the use of the resources of the state for the benefit of the incumbent political party.

33. In the first instance, it will often be useful to identify the international human rights instruments (if any) to which the host

country subscribes. Adherence in theory to human rights obligations will never be sufficient in itself to guarantee the conduct of a free and fair election; adherence in practice is required.

34. It should also be noted that in circumstances where previously repressive arrangements have been relaxed, there might be a significant time lag before the situation improves on the ground. For example, laws preventing the formation of opposition political parties may have been repealed but this will be of little real significance if an election is called before opposition political forces have had the opportunity to organize.

35. The existence of freedom of movement, assembly, expression and political organization and of freedom from threats and intimidation not only underpin normal political activity, but also must be a necessary precondition for any serious domestic monitoring of the validity of the election process. The absence of such freedoms may seriously constrain the extent to which international observers can function effectively. In a climate of intimidation, people of the country may be deterred from communicating with observers or passing on information or concerns to them; and domestic monitors, frequently a valuable source of information, are unlikely to be in place.

36. The equitable access of all the political parties to the media, both electronic and print media, is often a determining factor in today's election campaigns.<sup>13</sup> Legal and institutional arrangements to avoid excessive coverage of the programmes and activities of the incumbent political party or the incumbent presidential candidate should be examined carefully and the necessary conclusions drawn. Specifically the following points must be looked into before deciding to become involved:

- whether the incumbent political party has a monopoly over the electronic media;
- whether other political parties are also assigned prime time in equal measure to disseminate their programmes to the people;
- whether the official media are impartial in their coverage of events and other election-related news of all political parties;
- whether those in control of the official media are professionally independent of government control;

- whether provisions exist for redressing any grievance relating to media coverage during elections and how effective they are.

37. It is also possible that in some cases the presence of observers in a country may have a pacifying or deterrent effect; it may thus serve to reduce violations of human rights and to assist in establishing a viable environment for the conduct of elections.

38. Specific issues that should be addressed when assessing a situation marked by significant human rights problems include the following:

- Are there reasonable prospects for the will of the people to be freely expressed in the election?
- Is there a link between “free expression” and a well-founded conviction among the people that their votes will be secret?
- Are there doubts about the good faith of the authorities who may be seeking an international presence to give unwarranted respectability to a situation where there are serious ongoing human rights violations?
- Is the situation in the country generally peaceful or is there political violence? In the case of the latter, who is responsible; is it small groups without any realistic prospects in democratic elections or are substantial sections of the political spectrum involved?
- Is violence limited to certain regions of the country or is it widespread?
- Will the government's security measures allow a free election campaign, or are there substantial restrictions on the freedom of opinion and assembly?
- Can the population indulge in political activity without intimidation and fear of reprisals?

39. In assessing the human rights situation in a country, it is important to draw a distinction between violations that are motivated by or tolerated by the authorities, and violations that are perpetrated by groups in opposition to the democratic process. Violations in the former category on a significant scale might lead to a reluctance to deploy an observer mission; violations in the latter category might well underline the importance of supporting the democratic process by deploying an observer mission.

40. Violations perpetrated by opposition groups frequently will be limited to a specific part of the country's territory. In the worst-case scenario, the human rights problems may be rooted in an ongoing low-to medium-level civil conflict. In such a case the viability of elections will be in serious question, as will the safety of observers.

### **Existing constitution and electoral laws in the host country**

41. An assessment must be made of the extent to which the existing constitution and electoral laws in the host country are expressed with sufficient clarity to be workable, and to permit the holding of an election that meets internationally- accepted norms of freedom and fairness. A detailed examination of those norms, and how compliance with them can be assessed in practice, is beyond the scope of these Guidelines.<sup>14</sup> In making the assessment, consideration should be given to pre-election factors such as the delimitation of electoral boundaries, and the registration process for both political parties and voters.

42. Invitations to engage in election observation may be issued in advance of the finalization of an electoral law. The uncertain character of the law which will finally be adopted should be taken into account not only in deciding on whether or not to engage in observation, but also (if a decision is made to engage in observation) in considering whether conditions should be placed on the day-to-day continuation of a mission.

43. In some cases, an electoral law will include detailed prescriptions for dispute resolution mechanisms and identify steps, such as re-polling, that can be taken if serious deficiencies in the electoral process are brought to light. In other cases, the electoral law will be silent on this point. In cases where the reports of the international observers indicate occurrence of such electoral malpractice, serious consideration should be given to the question of whether a real commitment exists on the part of the authorities in the host country to respond in a meaningful way to observers' reports.

44. More generally, an assessment needs to be made about the extent to which the rule of law prevails in the host country. An electoral law and a constitution that meet internationally accepted norms will count for little if they are enforceable in a manner which conforms to the wishes of the incumbent authorities.

## **Credibility of the electoral authorities in the host country**

45. The electoral authorities in a country play a critical role in determining the likely character of an election. Electoral authorities who are not impartial or who lack a commitment to the conduct of free and fair elections are in a unique position to influence unduly the outcome of an election.

46. Perceptions are also of great importance. Even if the electoral authorities are committed to holding free and fair elections, widespread public perception that the election is not free and fair, or that it is associated with a particular political party, may lead to a loss of confidence in the entire electoral process by the electorate.

47. In assessing the character of the electoral authorities, one appropriate point of reference would be International IDEA's *Code of Conduct for the Ethical and Professional Administration of Elections*. It is important to focus on all levels of organization, not just the central structures. The actual conduct of an election process is always decentralized, and the character of the local administrators who will be directly responsible for the organization of major activities is at least as important as the character of the central structures. This is particularly the case when an electoral commission has been appointed but is expected to make use of existing administrative structures at the grass-roots level.

48. A further issue that needs to be considered is the extent to which the legal and operational framework for the election places importance on the independence of the electoral authorities. While the existence of an independent administration is often very important, in some cases it will not be seen as practical to appoint an independent electoral commission. In such cases, however, provision is often made for the implementation of transparent procedures, capable of being monitored at all levels.

## **Circumstances affecting the observers' capacity to determine the relevant factors for the credibility of the election**

49. In circumstances where the proper conduct of an election is problematic it is important that a body contemplating mounting an observation mission be prepared to make an objective and hard-headed

assessment of the likelihood that its own observers will be able to detect and document deficiencies and violations in the process.

50. If the quality of the persons to be deployed as observers is beyond the ultimate control of the body in question, the most careful consideration should be given to whether observation can properly proceed. Even where a quality team can be deployed, the circumstances of the country may be such as to preclude the observers from functioning effectively. This may be the case, for example, if the observers are unlikely to be familiar with the language and script used in the country in which case they will have to rely on translators and interpreters. The deployment of an observer mission in such circumstances may give rise to an unacceptably high risk of providing endorsement to a flawed process.

51. Consideration also needs to be given to the overall scale of the election, and to the capacity of the proposed observer mission to meet its ethical obligation to be comprehensive in its review of the election, considering all relevant circumstances.<sup>15</sup> If the proper conduct of the election appears likely to be problematic, and if the proposed observer mission will be unable to cover the process comprehensively, it might well be more appropriate that the mission does not proceed.

### **Guarantee of rights for observers**

52. One group of experienced commentators has pointed out:

“If the international credibility of a country is at stake, there is always a possibility that its government will attempt to influence the conditions under which election observers operate [so] as to facilitate their legitimizing presence, while simultaneously making it difficult to record de-legitimizing observations. Therefore, in the interest of their own credibility, and of election observation *per se*, observer missions must insist on being able to go about their work unhindered and on reasonable technical facilities.”<sup>16</sup>

53. In order to ensure effective observation, it is essential that observers be given prior guarantee of certain rights, which may include the following:

- the general right to pursue observation unhindered;
- in support of that, the right to receive formal accreditation;

- the right to import necessary equipment and materials freely;
- the right to determine the scale on which the mission will undertake observation;
- the right to travel and move throughout the territory of the host country, without prior notification, subject only to valid security considerations;
- the right to attend political meetings and rallies;
- the right to visit any polling stations and counting centres, including any such stations or centres established in prisons, hospitals or military barracks;
- the right to make contact with any person or organization with an interest in the conduct of the election, and to receive and communicate information from that person or organization, supported by guarantees from the relevant authorities that the person or organization will not be subject to reprisals;
- the right to engage in discussion and dialogue with the electoral administration, and to obtain information regarding the electoral process from officers at all levels of the electoral administration, supported by guarantees from the relevant authorities that the officers will not be subject to reprisals;
- the right to have access, in accordance with appropriate procedures, to all documents relating to the electoral process;
- the right to examine materials to be used as part of the election process;
- the right to obtain information regarding complaints lodged by observers and other concerned bodies or individuals, and steps taken in response to such complaints; and
- the right to make public the findings of the observer mission.

54. Where an organization is contemplating taking part in an observation mission primarily controlled by another organization, it may be necessary or advisable to ensure that appropriate guarantees of some or all of the rights listed in paragraph 53 are provided not only by the host country authorities, but also by the organization primarily controlling the mission.

### ***C. Practical Considerations in Mounting an Observation Mission***

55. An election observation mission tends to be a substantial undertaking, for which extensive practical arrangements will need to be made. If such arrangements for some reason cannot be pursued effectively, then the capacity of the mission to do its work in a way which complies with the *Code of Conduct for the Ethical and Professional Observation of Elections* will be compromised. It is therefore essential to assess whether the practical issues associated with deploying an observer mission can be adequately addressed.

#### **Adequate lead-time for preparations**

56. The absence of sufficient lead-time can make it extremely difficult for a mission to cover all stages of the electoral process or to make the necessary arrangements to ensure the presence of the observers throughout the territory of the host country. In the worst case, it can result in an ill-conceived mission that endorses an illegitimate process.

57. The actual lead-time required will vary from election to election, and will also depend on the type of observation being undertaken. Clearly, the deployment of large numbers of observers to a distant country where a difficult election process is anticipated is likely to require a greater lead-time than the deployment of a small observer team to a straightforward election in a neighbouring country.

#### **Availability of essential planning information**

58. The effective planning of certain elements of an observation mission will depend on information from the host country authorities. The deployment of observers at polling sites, for example, depends on knowledge of the planned locations of polling stations. Ideally, such information should be provided before a mission is deployed in a country. Where it is expected that the polling will face logistical or security problems, the information might not become available until a later time; but the electoral authorities, at the very least, should have a timetable indicating when the locations of polling stations will be finalized.

#### **Availability of professional expertise**

59. A critical element of the planning of any mission is the identification



of the range of qualities which observers will require, and an assessment of whether people with such qualities can be recruited and deployed. Qualities that have proven to be important in the past include:

- proven knowledge of electoral procedures and systems;
- proven ability to exercise sound judgment and the highest level of personal discretion in a politically sensitive environment;
- eminence in the areas of law, government or specialized aspects of the electoral process such as public education;
- a knowledge of the language of the host country;
- a knowledge of the host country and/or the region in which it is located; and
- appropriate standards of health, fitness and resilience.

60. It is generally deemed desirable to field a team of observers with an appropriate gender or ethnic balance. Typically, there will also be a need for a support team, comprising people skilled in areas such as project management, logistics, training, transport and accommodation, communications, security and emergency planning, and data processing.

61. There needs to be a flexible approach regarding whether a government sponsors or is involved in the recruitment of its nationals as election observers in another country. In some cases there may be greater legitimacy if observers are completely independent of their home government; in other cases, greater legitimacy may be achieved if the home government participates in selecting or sponsoring election observers.

62. The need for an observer mission to function, and to be seen to function, in a non-partisan and neutral way clearly dictates that the authorities in the host country should not be permitted to insist on the exclusion of certain categories of persons (e.g., human rights activists) from the mission, nor to exercise a veto on the inclusion of specific individuals in the mission.

63. It may be that the host country brings to the attention of the body deploying an observer mission information about a prospective member of the mission of which it was previously unaware; and which would have led the body, had it had the information beforehand, to conclude that

the individual was unsuitable to be an observer. Due consideration must be given to such information; if the information is confirmed, it may be appropriate to respond by excluding the person in question from the mission.

64. Apart from the members of the observer mission from outside the host country, very often it will also be necessary to employ support staff, such as interpreters and drivers, from within the host country. One possible consequence of this, especially if the host country has a limited skills base, is that competent individuals from the host country may be diverted from working as polling staff or domestic election monitors by the opportunity to earn the significant salaries often paid by international observer missions. Where large-scale observation is taking place this could have a genuinely damaging effect; and in such cases, bodies considering undertaking international election observation should seriously consider whether their involvement is in the longer-term interests of democratic development in the country.

### **Financial and other resources**

65. It is self-evident that a mission will be able to proceed only if appropriate funding is available. While all attempts should be made to arrange for observation to be conducted in as cost-effective a way as possible, it is better not to deploy a mission than to deploy one so inadequately resourced that it is incapable of meeting its ethical obligations.

66. It is also important to ascertain that critical resources needed to support an observation mission, such as accommodation, transport and communication equipment, will be available. Observers will often be competing for such resources with other observers, journalists, and authorities from the host country. Past experience suggests that during such times of competition for resources, and given the often limited capacity to meet the demand, premium rates are often charged.

### **Co-operation with other observer missions (including domestic observers)**

67. The benefits of co-operation among observers are increasingly being recognized. Co-operation between international observers and their domestic counterparts has the potential to enhance greatly the body of

information to which the international observers have access. Co-operation among different international observer groups can help to ensure that resources are used, that the comprehensiveness of the coverage of the electoral process is enhanced optimally, and that the assessments provided after the election show a degree of consistency.

68. In some cases, the extent to which co-operative mechanisms can be established will determine whether a particular observation mission will be viable. In such cases, discussions regarding the establishment of such mechanisms will have to be undertaken before the decision on whether to deploy a mission is made.

### **Safety of observers**

69. The safety and security of observers should always be regarded as a matter of the highest priority. Elections to which observers are invited often give rise to unusual security concerns, and although most observers are prepared to accept that security cannot be guaranteed to the same extent as in a “normal” election, they do have a right to expect that:

- the maximum possible steps will be taken to ensure their security;
- they will be thoroughly briefed on the risks they will be facing; and
- adequate contingency plans will be developed to cover a breakdown in security.
- bodies considering deploying observers must for their part make an assessment of the extent to which they will be able adequately to meet these expectations.

### **Preliminary assessment missions**

70. For the purpose of the practical application of these guidelines, there is much to be said for conducting a preliminary assessment mission in the host country. The purpose of such a mission would be to obtain information to help analyse the issues discussed in these Guidelines, and (in cases where the situation seemed favourable) to make initial practical arrangements for the ultimate deployment of observers. A decision to deploy a preliminary assessment mission is not normally seen as having the political implications that may be inherent in a decision to deploy a full-scale observer mission.

71. Preliminary assessment missions are particularly important in cases where security is likely to be a significant issue, as an adequate

assessment of the security situation in a country is difficult if not impossible to make from outside the country. In addition, an elaboration of the nature of possible co-operation with domestic observers will almost invariably require the conduct of a preliminary assessment mission; and such a mission may also help to refine possible modalities of co-operation with other international observers.

72. The potential for a positive influence to be exerted over the character of the electoral process is at its maximum when the involvement of international observers has been sought, but is not confirmed. A preliminary assessment mission may well be an effective way of initiating a dialogue in which issues relating to the credibility of the electoral process can be raised and possible difficulties remedied.

## **Checklist of Issues**

### **Basic Agreement with the Host Country**

- ☐ receipt of official invitation
- ☐ general support for observation by principal political parties and groups
- ☐ prior understanding that observers may be withdrawn in certain circumstances

### **Initial Assessment of the Likely Character of the Election**

- ☐ existence of basic rights and freedoms
- ☐ existing constitution and electoral laws in the host country
- ☐ credibility of the electoral authorities in the host country
- ☐ circumstances affecting the observers' capacity to determine the relevant factors for the credibility of the election
- ☐ guarantee of rights for observers

### **Practical Considerations in Mounting an Observation Mission**

- ☐ adequate lead time for preparations
- ☐ availability of essential planning information
- ☐ availability of professional expertise
- ☐ financial and other resources
- ☐ co-operation with other observer missions (including domestic observers)
- ☐ safety of observers

## Notes

- <sup>1</sup> International IDEA and the United Nations, *Lessons learned: International Election Observation – Seventeen organizations share experiences on electoral observation – A Round Table jointly organized by the United Nations Electoral Assistance Division and International IDEA, 10–12 October 1995 in Stockholm* (Stockholm, International IDEA, 1995), p 7.
- <sup>2</sup> *ibid*, pp 23–24.
- <sup>3</sup> *International IDEA Code of Conduct for the Ethical and Professional Observation of Elections*, International IDEA Code of Conduct Series 1 (Stockholm, International IDEA, 1997).
- <sup>4</sup> *International IDEA Code of Conduct for the Ethical and Professional Administration of Elections*, International IDEA Code of Conduct Series 2 (Stockholm, International IDEA, 1997).
- <sup>5</sup> *International IDEA Code of Conduct for Political Parties Campaigning in Democratic Elections*, International IDEA Code of Conduct Series 3 (Stockholm, International IDEA, 1999).
- <sup>6</sup> *International IDEA Code of Conduct for the Ethical and Professional Observation of Elections*, International IDEA Code of Conduct Series 1 (Stockholm, International IDEA, 1997), p 10.
- <sup>7</sup> *ibid*, paras 6–9, pp 8–10.
- <sup>8</sup> *International Observation of the 1996 Russian Presidential Election: Lessons Learned to Facilitate Field Co-operation* (Stockholm, International IDEA, 1997), p 2.
- <sup>9</sup> *International IDEA Code of Conduct for the Ethical and Professional Observation of Elections*, International IDEA Code of Conduct Series 1 (Stockholm, International IDEA, 1997), paras 16, 18, pp 13–14. In rare cases, the power to invite and accredit election observers might be exercised by an authority other than national authorities: for example, in 1993 the United Nations Transitional Authority in Cambodia (UNTAC), in accrediting observers, exercised a power which ultimately was derived from the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict.
- <sup>10</sup> *ibid*, paras 20–21, pp 17–18.
- <sup>11</sup> Stefan Mair, *International election observation: One form of democratization assistance* (Ebenhausen/Isartal, Stiftung Wissenschaft und Politik (SWP), Research Institute for International Politics and Security, 1994), p 14.
- <sup>12</sup> See Guy S. Goodwin-Gill, *Free and Fair Elections: International Law and Practice* (Geneva, Inter-Parliamentary Union, 1994).
- <sup>13</sup> This issue is critically important in contemporary elections. International IDEA is examining the suggestion that it should undertake a separate detailed project on “guidelines for the media during elections”.
- <sup>14</sup> For a detailed discussion see note <sup>11</sup> above.
- <sup>15</sup> *International IDEA Code of Conduct for the Ethical and Professional Observation of Elections*, International IDEA Code of Conduct Series 1 (Stockholm, International IDEA, 1997), paras 22–24, pp 19–22.
- <sup>16</sup> Theodor Hanf, Maria R. Macchiaverna, Bernard Owen and Julian Santamaria, *Observing Democratic Elections: A European Approach* (Freiburg i. Br., Arnold-Bergstraesser-Institut, 1995), p 9.

## **About International IDEA**

### **Objectives**

Created in 1995 by 14 countries, International IDEA promotes and advances sustainable democracy and improves and consolidates electoral processes world-wide. It provides a forum for discussion and action among individuals and organizations involved in democracy promotion. Global in ownership and scope, independent of specific national interests, and flexible and quick in its responses, International IDEA is the only international organization with this unique mandate.

### **Members**

According to its Statutes, membership of International IDEA is open to governments and inter-governmental organizations. There are currently 19 member-states: Australia, Barbados, Belgium, Botswana, Canada, Chile, Costa Rica, Denmark, Finland, India, Mauritius, Namibia, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden, and Uruguay. In addition, associate membership is open to international non-governmental organizations. There are currently five associate members: International Federation of Journalists, International Press Institute, Parliamentarians for Global Action, the Inter-American Institute for Human Rights and Transparency International. International IDEA also has formal agreements and co-operates closely with Switzerland, International Commission of Jurists, Inter-Parliamentary Union, the United Nations development Programme, and the Inter-American Development Bank.

### **Action**

International IDEA:

- Promotes and advances sustainable democracy world-wide.
- Helps countries build capacity to develop democratic institutions.
- Provides a meeting-place for and facilitates dialogue between democracy practitioners around the world.
- Increases knowledge about elections and election observation.
- Promotes transparency, accountability, professionalism, and efficiency in elections in the context of democratic development.
- Develops and promotes norms, rules and guidelines that apply to multi-party pluralism and democratic processes.