

5TH MEETING ON THE IMPLEMENTATION OF THE DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

The Carter Center – Atlanta, GA
October 13 – 14, 2010

GUIDING PRINCIPLES AND COORDINATED APPROACHES FOR FOLLOW-UP ON ELECTION OBSERVATION MISSION RECOMMENDATIONS¹

Revised based on Meeting Deliberations

Principle 4 of the Declaration of Principles for International Election Observation states that “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.” Principle 4 also states that election observation concerns “the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment...” Declaration endorses therefore agree that Election Observation Missions (EOMs) may offer recommendations, as a result of their observation findings, on appropriate matters in the lead-up to elections, as well as on voting day and in the post-election period.

Most EOMs and their sponsoring organizations follow Principle 4 and provide recommendations in their statements and/or by other means consistent with Declaration Principle 5 (concerning types of missions) and Declaration Principle 7 (concerning public statements). These recommendations also sometimes are offered in specialized assessments, such as reviews of the legal framework for elections, or a specific election related process. Improving the effect of recommendations that are offered requires follow-up of different types, often over periods of time that extend beyond the lives of particular EOMs or specialized assessments, and involves engaging with other international and domestic actors beyond an EOM and its sponsoring organization. Such follow-up requires interfacing with diplomacy, development assistance and citizen efforts to improve electoral processes. In this regard, Members of Parliamentary Assemblies can play an active role in supporting recommendations with political authorities of the host country and all other relevant interlocutors.

In order to maximize the value of recommendations offered by EOMs, the organizations that endorse the Declaration of Principles should attempt, as closely as practicable, to abide by the following guiding principles and approaches, when making and following-up on their recommendations.

Formulating Recommendations:

- Organizations sponsoring EOMs should develop clear EOM mandates that include offering recommendations and taking actions to follow-up on the implementation of

¹ This Declaration of Principles for International Election Observation Implementation Meeting document was prepared by Patrick Merloe at NDI, in light of EOM practices and discussions at the various Implementation Meetings for the Declaration of Principles. A draft of this document was discussed in the spirit of general agreement and desire to develop further consensus at the 5th Implementation Meeting; the document was revised to reflect that general agreement.

recommendations, which also may need to be reflected in memorandums of understanding developed between EOMs and the authorities where the elections are held.

- In order for EOM recommendations to produce the desired effect of contributing to improved electoral processes, EOM recommendations should be clear, concise and realistic in light of national circumstances and be in accord with relevant international obligations, commitments, principles and best practices for democratic elections.
- Recommendations should be based on specific findings by the EOM as a result of its observations and should refer to specific circumstances or situations observed during the electoral process or to specific legal provisions or practices applied.
- Recommendations should take into account all aspects of the electoral cycle and the electoral environment, should make distinctions between short term and long term recommendations, indicate a priority in the order they are presented (or in some other way) and should be offered at times that allow for action to address the matters raised.
- Recommendations should concentrate on matters that have a significant impact on electoral integrity and/or efficacy and, as a consequence, should generally not be too large in number.
- Recommendations should be addressed to entities or persons that have the ability to act on the matters raised and should, to the extent practicable, refer to the obligations or commitments on which they are based.
- Recommendations should call for appropriate participation of citizens, including electoral stakeholders, in the formulation of public policy concerning electoral improvements, their implementation and oversight.
- To the degree feasible within the EOM's mandate, recommendations should be harmonized with those presented by other endorsers of the Declaration of Principles for International Election Observation and other credible sources.

Analyzing Past Recommendations and Recommendation Tracking:

- In order to assess the electoral environment, during an election needs assessment and in the deployment of observation missions, organizations sponsoring EOMs and conducting preparatory processes concerning election observation should analyze recommendations that were offered by past EOMs and other credible sources, the actions taken on such recommendations and whether the matters were effectively addressed.
- Statements and reports of needs and other pre-election assessments, as well as EOMs, should note whether recommendations have been addressed effectively and whether certain recommendations remain insufficiently addressed as a repeating or chronic problem.
- During preparatory processes, EOMs and their sponsoring organizations should develop a recommendation tracking system that identifies factors such as the following:

- (1) each recommendation offered, its date and source document (e.g., needs assessment, legal framework review, preliminary statement, final report);
- (2) the theme/subject/category of the recommendation (e.g., voter registration, media conduct, violence, results tabulation);
- (3) the priority or degree of urgency (e.g., order presentation or other ranking) and whether it is a short, medium or long-term matter;
- (4) the institutions, authorities or individuals with the power to address the matter;
- (5) what actions the relevant entity has taken on the recommendation;
- (6) what further actions may be required to effectively address the matter;
- (7) what other electoral stakeholders should participate in considerations about how the matter should be addressed (e.g., electoral management bodies, other executive offices, legislatures, political parties, citizen organizations and international agencies or bodies);
- (8) whether such stakeholders were provided a genuine opportunity to participate in expressing positions and defending their interests in the matter; and
- (9) general notes and analysis, which should include their respective dates of entry.

Recommendation Follow-Up Activities:

- EOM recommendation follow-up activities can take a variety of forms, such as:
 - (1) EOM (or sponsoring organizations) communications, formal and informal, with relevant electoral stakeholders;
 - (2) Return visits by chief observers and delegations, including: parliamentary delegations, or assessment teams, as well as consultations by on-going country representatives (including relevant actors and those who have the power to implement recommendations), and communications with the press;
 - (3) Electoral roundtables and other public and non-public events, including media interviews; and
 - (4) “Desk-top” analyses by staff responsible for tracking actions taken on recommendations.
- The Chief Observer/Head of an EOM, particularly in case where he or she is a parliamentarian, should be able to go back to the host country during the post electoral period in order to carry on a dialogue with authorities which could facilitate an effective follow-up of the recommendations of the mission.
- Public statements and reports may be incorporated into different phases of follow-up activities.

Developing Follow-up Mechanisms:

- When an organization sponsoring an EOM has ongoing representation in a country where elections are observed, the organization should take steps to inform its representatives about EOM recommendations and to appropriately involve those representatives in recommendation follow-up activities.
- Where an organization sponsoring an EOM has a headquarters bureau or officers assigned to the country where an EOM is deployed, and those responsibilities reach

beyond elections, that organization should take steps to promote implementation of EOM recommendations, including in all aspects of its activities in or relations with the country.

- Protocols involving an organization's ongoing country representatives and/or headquarters officers in recommendation follow-up should include provisions to preclude potential conflicts of interests between ongoing activities and recommendation follow-up.
- While an organization sponsoring an EOM implements procedures for its ongoing country representatives and headquarters officers to engage in EOM recommendation follow-up, the organization's unit that organized the EOM should remain involved in follow-up activities to take advantage of its experience, expertise and sensitivity in promoting effective recommendation follow-up.
- EOMs and the organizations sponsoring them should, as far as possible, cooperate with other international EOMs and their sponsoring organizations, particularly those from other organizations that endorse the Declaration of Principles for International Election Observation, when developing, offering and following-up on recommendations for electoral improvements – and that cooperation should include activities that extend beyond the term of their respective EOMs.
- As far as possible throughout recommendation follow-up, organizations sponsoring an EOM should cooperate with the other organizations that endorse the Declaration of Principles for International Election Observation, including those organizations that did not deploy an EOM to a specific election – and those organizations should reciprocate by cooperating with EOMs and their sponsoring organizations in follow-up activities.
- EOMs and the organizations sponsoring them should, as far as possible in light of their mandates, cooperate with, and seek to support as appropriate, credible domestic sources that are working to achieve electoral improvements in their countries and should seek not to hinder such efforts – and EOMs and their sponsoring organizations should encourage action on EOM recommendations in ways that promote the right of citizens to participate in government and public affairs, which is a foundation for genuine democratic elections.
- EOMs and the organizations that sponsor them should plan, as appropriate, follow-up activities on recommendations, including setting dates and agendas for follow-up delegations, roundtables and other activities, as transparently as possible for the public of the country where elections are held and should engage with a broad range of electoral stakeholders.
- Organizations that sponsor EOMs should engage, as appropriate, with intergovernmental organizations, development assistance agencies, multilateral financial agencies and other entities to encourage them, through use of their good offices and funding assistance, to support effective follow-up to recommendations for electoral improvements offered by EOMs and other credible sources.
- When an EOM (including a Parliamentary Assembly) has observed elections, it should, to the extent possible, take all relevant steps, including engaging with its members and corresponding executive branch agencies, in order to ensure that recommendations issued by the EOM are implemented.

Supporting International Reviews of Electoral Conduct:

- Organizations that sponsor EOMs should encourage intergovernmental bodies to conduct regular reviews of electoral conduct of their member countries and should provide copies of EOM statements and reports, including recommendations and recommendation tracking information, when reviews of electoral conduct are conducted by such bodies, whether in exceptional circumstances or as part of regular reviews.
- Organizations that sponsor EOMs should encourage regular reviews of electoral conduct of countries by bodies constituted to oversee compliance with treaties and other international instruments, such as charters, declarations other agreements, and should provide copies of EOM statements and reports, including recommendations and recommendation tracking information, to such bodies (e.g., the UN Human Rights Committee) as a regular part of recommendation follow-up activities.

###