

WORKSHOP

Requested by the DROI subcommittee



Strengthening the democracy clause in EU agreements and instruments: Exploring election conditionality



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WORKSHOP

Strengthening the democracy clause in EU agreements and instruments: Exploring election conditionality

ABSTRACT

This briefing considers where electoral conditionality could be included in European Union (EU) relations with third countries and offers three viable options, namely as part of: direct budget support; General Scheme of Preferences Plus (GSP+); and the Neighbourhood, Development and International Cooperation Instrument-Global Europe (NDICI-GE). In all three cases, not only would electoral conditionality incentivise partner countries to adhere to electoral recommendations, but also encourage them to invite international observer organisations to their elections. Within GSP/GSP+, such observation can be understood as a monitoring tool for implementing human rights conventions within beneficiary countries. Moreover, a newly designed thematic regional NDICI-GE instrument could make EU funding conditional on fulfilling recommendations from election observers. The briefing concludes with suggestions on how to enhance the practice of election observation as a foreign policy tool, with the aim of strengthening electoral integrity.

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I. Workshop proceedings

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List of abbreviations

CSO	Civil Society Organisation
DG INTPA	European Commission's Directorate-General for International Partnerships
DoP	Declaration of Principles
DROI	European Parliament's Subcommittee for Human Rights
EEAS	European External Action Service
EOM	Election Observation Mission
EP	European Parliament
EU	European Union
GSP+	Generalised Scheme of Preferences Plus
MEP	Member of the European Parliament
NDICI-GE	Neighbourhood, Development and International Cooperation Instrument – Global Europe
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
UN	United Nations

Workshop programme

WORKSHOP

STRENGTHENING THE DEMOCRACY CLAUSE IN EU AGREEMENTS AND INSTRUMENTS: EXPLORING ELECTION CONDITIONALITY

Monday 09 October 2023, 17.00 - 18.00

Brussels Paul-Henri Spaak Building, room 5B1

FINAL PROGRAMME

17:04-17:13 **Introductory remarks**

Welcome by **Nacho SÁNCHEZ AMOR**, Member of the European Parliament (MEP)

17:14-17:23 **Presentation of the Briefing 'Strengthening the democracy clause in EU Agreements and instruments: exploring election conditionality'**

- **Armin RABITSCH**, Democracy & Elections Expert, Election-Watch.EU.

17:23-17:34 **Presentation from invited expert**

- **Meaghan FITZGERALD**, Head of the Election Department, Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR).

17:34-17:43 **Debate with Members**

- Intervention by **Nacho SÁNCHEZ AMOR**.

17:43-18:11 **Other contributions**

- Intervention by **Jean COSTEDOAT-MIOSSEC**, Programme Officer for election assistance and youth political participation, European Commission's Directorate-General for International Partnerships (DG INTPA).
- Intervention by **Neal MAC CALL**, Head of Division Democracy and Electoral Observation, European External Action Service (EEAS).

18:11-18:12 **Concluding remarks**

Concluding remarks by **Nacho SÁNCHEZ AMOR**.

WORKSHOP

POLICY DEPARTMENT, DG EXPO

FOR THE SUBCOMMITTEE ON HUMAN RIGHTS (DROI)



European Parliament

Monday 9 October 2023 – **17:00-18:00**

PAUL-HENRI SPAAK BUILDING – ROOM **5B1**

CONTACT AND REGISTRATION: poldep-expo@ep.europa.eu

Strengthening the democracy clause in EU agreements and instruments: exploring election conditionality



1 Introduction

The workshop entitled 'Towards strengthening the democracy clause in European Union (EU) agreements and instruments: exploring election conditionality' was organised by the DROI Subcommittee and the Policy Department of the EP Directorate-General for External Policies. It took place on 9 October 2023 under the chairmanship of Nacho Sánchez Amor, MEP (Group of the Progressive Alliance of Socialists and Democrats, Spain).

The workshop aimed to contribute to the DROI own-initiative report on '[Strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes](#)' for which Mr Sánchez Amor is Rapporteur. External experts and representatives of the European Commission and of the EEAS were invited to engage in an open discussion with MEPs.

Opening remarks were given by Mr Sánchez Amor. He highlighted the DROI's ongoing work on **how to respond to illiberal and authoritarian trends**. While the issue has been many times addressed as countering narratives undermining the universality of human rights, DROI is complementing this view by placing a special focus on the right that citizens have to participate in fair elections. He emphasised that while citizens have the fundamental right to take part in free and fair elections, authoritarian regimes have been using electoral processes as a strategy to increase their legitimacy.

Thus, election observation has stopped being 'electoral assistance' and has become 'a system of alarm', leading us to rethink the approach to election observation as part of the toolkit of the EP. In this process, another workshop was organised in January 2023 on '[Strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes](#)'. One of the recommendations put forward was to incorporate conditionality and add a democracy clause in EU's agreements, which would include standing invitations to election observation. MEP Sánchez Amor expressed concern about the weakening support for this idea, and remarked that while perhaps it is not the solution, we still need to find what would be.

2 Presentation of the briefing 'Strengthening the democracy clause in EU agreements and instruments: Exploring election conditionality'

Dr Armin Rabitsch (Democracy & Elections Expert, Election-Watch.EU) presented the Briefing on 'Strengthening the democratic clause in EU Agreements and instruments: exploring election conditionality' and underlined that the paper provides a flexible framework based on human rights and international standards but with a variable geometry to adapt to specific contexts' needs. He further acknowledged the crucial role played by the EP in advancing EU election observation. By pushing for the systematic integration of human rights and democracy components in the EU's foreign policy, human rights clauses were included in agreements with third countries. A dedicated budget has been allocated for the deployment of election observation missions (EOMs).

In the first part of his presentation, Dr Rabitsch addressed the concept of election conditionality and its potential drawbacks. He explained that the EU's engagement in election observation is a means to bolster the credibility of democratic institutions and instil public trust in electoral processes. Moreover, it is a deterrent against fraud, intimidation and violence. In parallel, election observation

serves key foreign policy objectives of the EU, including peacebuilding. He cited examples where EU EOMs had a positive impact, by, for instance, helping to preserve the rule of law in Guatemala, contributing to peaceful elections in Kenya, or monitoring the transition from an autocratic to a democratic government in Zambia. The absence of international human rights standards explicitly covering election observation was noted, despite the right to participate in elections being enshrined in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights. However, the EP's efforts have played a pivotal role in establishing election observation as an international norm, as reflected by the Declaration of Principles (DoP) on International Election Observation, which was endorsed at the United Nations (UN) by leading international observer organisations. Given this context, Dr Rabitsch expressed reservations about the introduction of any potential EU conditionality clause in agreements that would create standing invitations for EU EOMs. He argued that, due to concerns surrounding reciprocity, which is seen as a contentious issue, such a move could have counterproductive consequences.

He then moved to the second part of his presentation, where he outlined 10 potential measures drawn from the analysis of 5 options for electoral conditionality to enhance the effectiveness of EU EOMs at various levels.

First, he suggested **implementing a coherent strategy for human rights promotion**, which involves establishing a systematic approach linking EU funding and favourable tax regimes with stricter human rights monitoring. The EU's human rights and democracy strategy would indeed be reinforced by a systematic application of a human rights-based approach in all cooperation frameworks and existing instruments. This not only provides guidance for political and policy dialogues with partner countries but also enables the EU to respond more swiftly and decisively to autocratic behaviour and violations of fundamental freedoms.

The second proposal suggested offering **thematic funding to support democratic transition and electoral integrity within the framework of the Neighbourhood, Development, and International Cooperation Instrument – Global Europe** (NDICI-GE), the EU's financial assistance framework. He recommended that its mid-term review serves as an opportunity to improve external tools, for instance with a regional thematic funding instrument focusing on democratic transition and electoral integrity which would incentivise partner countries to invite EU EOMs and use their recommendations as a road map for implementation. The latter could then be the basis for regular progress assessment.

Third, the Instrument Contributing to Stability and Peace could be used for **more rapid and decisive reactions to democratic openings** (for instance, following extraordinary events or changes of power).

Fourth, Dr Rabitsch encouraged the EU to **lead by example and implement good practices in election observation**, including by fully recognising the value of international and citizen-led observation within EU Member States and by inviting observers from both within and outside the EU to elections.

The Briefing included a fifth recommendation on **adjusting the EU's regulatory framework and methodology to better align with current challenges, in accordance with the EU Action Plan on Human Rights and Democracy**. It is particularly necessary to review the 2000 Commission Communication on EU Election Assistance and Observation and the circumstances under which EU

EOMs have a positive impact and which recommendations are most likely to be followed. This would enhance the methodology by introducing new elements, such as a standard Electoral Violence Risk Assessment, (which could be based on a Political Economy Analysis).

The sixth proposal was about the **implementation of a standard General Scheme of Preferences (GSP) monitoring mechanism for human rights conventions**. While introducing an election conditionality clause in preferential trade regimes is seen as emphasising only one aspect of democratisation, international election observers could still monitor the implementation of human rights conventions in beneficiary countries.

Seventh, the EU should **promote robust regional and citizen-led EOMs**. As they are human rights defenders, election observers could be provided with thematic funding for their reform and advocacy work (outside and within the EU). Increased cooperation between EU EOMs and citizen-led election observers was also encouraged.

Eighth, **electoral conditionality provisions could be included in direct budget support agreements**. Payments of budget support programmes could be conditional, based on performance indicators and linked to the implementation of EOMs recommendations. Dr Rabitsch emphasised that this proposal would allow the EP to assess more closely the respect of human rights clauses in EU agreements.

The introduction of peer monitoring mechanisms for international and citizen-led election observation was the ninth recommendation to enhance election observation global standards. The expert suggested using the DoP, including its annual meetings, as a platform for implementation. Additionally, he highlighted the need for concerted efforts to address new challenges in the digital realm, such as monitoring online electoral campaigns, countering disinformation campaigns, or ensuring the full compliance of the use of artificial intelligence with human rights.

In his last point, Dr Rabitsch acknowledged that norm-based international election observation relies on invitations and requires logistical as well as security support from host governments. As such, to ensure the effectiveness of an EU EOM, there should be **political will from the host country**.

3 Presentation by the invited expert

Meaghan Fitzgerald (Head of the Election Department, OSCE/ODIHR) started her intervention by emphasising that OSCE states have recognised the value of independent election observation and committed to opening their elections to observation through the Copenhagen document. She pointed out that this commitment is a pledge made by participating states as part of their OSCE membership, unlike the EU which is looking at invitations to observe in third countries. The commitment entails inviting other participating states to observe, with ODIHR acting as a facilitator.

She explained that this distinction is significant because it's the participating states themselves who have agreed to open their election processes to one another (and not to ODIHR). **To sum up, it is a commitment to invite, and not an invitation**. The responsibility lies with the inviting state to issue formal written invitations to ODIHR, that is extended to other participating states.

Ms Fitzgerald further explained that though in the last 30 years, they have consistently received invitations, issues sometimes arose concerning **the timeliness of invitations or restrictions being placed on their observation**. She recalled that the DoP for International Observations highlights

that international observers should be able to observe in the format and numbers they have determined necessary for providing credible observation and that they should have access to observe all aspects of the election. For this reason, when states limited the mission's numbers or aspects that could be observed, or sent the invitation too late in the election process, it was sometimes decided not to observe. While ODIHR has not faced limitations in EU Member States, she recommended introducing stronger legal language obligating EU Member States to uphold their OSCE commitment to invite ODIHR missions, given the democratic trends both outside and inside the EU. This is especially important as ODIHR commitments are political, which means that their respect partly relies on participating states holding each other accountable.

The expert then presented how conditionality is used in the OSCE context. **The EU has for instance been evaluating OSCE election recommendations' implementation in EU candidate countries.** Ms Fitzgerald noted that this approach has proven effective in the Western Balkans, Moldova, Ukraine or Georgia, which have shown a greater willingness to seek legal opinions from ODIHR and the Council of Europe's Venice Commission. She emphasised the effectiveness of conditionality in this context. Reiterating that the most significant way the EU helped the OSCE as an organisation was through its support of ODIHR's leading role in observation of participating states, she strongly recommended that **efforts to secure more invitations for the EP to observe should always be linked to ODIHR's observation** (the opposite would undermine ODIHR's role in the region). This could be done by reiterating the commitment to invite ODIHR and considering EP observation as only complementary, but also through having joint missions and statements.

Ms Fitzgerald continued by exploring **the practice of using fake or friendly observers to dilute or contradict genuine observers' findings.** While this practice is growing in some third countries where the EU observes, she noted that it has long been prevalent in several OSCE countries. For years, some countries have invited organisations and individuals not following international observation principles and not applying a credible methodology (for instance, long-term observation and geographical coverage). She noted that because ODIHR's observations rely on comprehensive, statistically supported findings, their reports often come out after the fake and friendly statements are disseminated quickly and widely, using for instance state-controlled media. While she acknowledged their national and local impact, she was more nuanced regarding potential international media consequences of such shadow organisations, as credible news outlets easily distinguish and do not give coverage to their findings. While ODIHR has been working on ways to counter these practices, including by pedagogically explaining its methodology and making its results more accessible, supportive statements from the EU and other participating states help reinforce ODIHR's image as a legitimate source of independent, credible assessments of election processes. Moreover, she advised against the introduction of regulations limiting fake or friendly observers, as such regulations have been used to introduce limiting language towards genuine observation missions.

Ms Fitzgerald recommended that, in the OSCE region, **conditionality should be linked to the implementation of recommendations rather than invitations to observe.** She encouraged adding references to ODIHR's observation reports and recommendations in the draft recommendation under consideration. If standing invitations are introduced in agreements, she strongly encouraged having different language for third countries and third countries that are OSCE participating states, as for the latter, the importance of timely invitations to ODIHR and ensuring full

observation of the election process should be reiterated. She recommended that EU Member States should also be reminded of their commitment to invite ODIHR to observe. Finally, she noted the recent ongoing efforts regarding the DoP to ensure their endorsers fully uphold the principles and are engaged in genuine observation.

4 Debate with Members

MEP and Rapporteur **Nacho Sánchez Amor** expressed the importance of the political will in securing timely invitations for election observation. He highlighted the issue of delayed invitations leading to administrative complexities which eventually result in potential cancellations of EOMs. On the issue of countries in transition, MEP Sánchez Amor directly questioned the EEAS on how the service determines when to support a transitioning country or raise an alarm in cases of authoritarian backsliding.

He noted that the paper's recommendations primarily focus on strengthening enforcement measures related to human rights conditionality. However, he insisted on **the core problem being the lack of invitations for electoral observation**. While the EP is aware of challenges with the GSP+ or inefficient general conditionality, the key issue remains the lack of invitations rather than the funding.

MEP Sánchez Amor explained that compartmentalised and complicated policies make it challenging to have a unified approach throughout the EU, but recognised **that funding is the most powerful leverage** the Union has. He worried, however, that using the general framework of human rights conditionality might sometimes be too ambitious, and does not solve the more minor but key issue of securing invitations to observe. In addition, he regretted that the EP election follow-up missions' recommendations were not more used on the ground by EU Delegations. Then, he touched upon the GSP+ as an example of a mechanism that has not led to significant changes despite several steps taken to improve it.

He finally agreed with Mr Rabitsch that EOMs could be used to monitor the implementation of other commitments related to democracy, such as International Labour Organization conventions, though he wondered whether adding more general tasks to EOMs is the best approach. He thought that it could be a task for the EU Delegations.

5 Other contributions

5.1 Intervention from Mr Jean Costedoat-Miossec, DG INTPA

Jean Costedoat-Miossec (Programme Officer for election assistance and youth political participation, European Commission, DG INTPA) indicated that the European Commission generally agrees with the Briefing's final finding on the inclusion of electoral conditionality clauses having limited beneficial effects. He then made four points.

First, he argued that **the term 'conditionality' is not often used by the EU or in the context of EU external cooperation**. Furthermore, the phrase more often used has been a 'transactional approach', as evident in the EU's regional strategy documentation beginning three years ago. He emphasised that 'conditionality' would not go down well in the dialogue with other officials, which is why he underscored the EU concept of 'partnerships of equals', as highlighted in the portion of the Briefing dedicated to reciprocity.

Second, Mr Costedoat-Miossec addressed the issue of budget support. Representing 17 % of the total EU financial effort, it is indeed an important modality of the EU's external aid. He noted that **budget support is the third or fourth most important modality** behind contribution agreements to international organisations such as the World Bank or UN agencies, contribution agreements to EU Member State Cooperation Agencies, and grants to Civil Society Organisations (CSOs). Mr. Costedoat-Miossec highlighted that all budget support programmes begin with an assessment of the situation of the partner country regarding the fundamental values of democracy and human rights, as the objectives of these programmes are to create a space for dialogue between the EU and the partner country where reform and governance can be addressed. When the four eligibility criteria (macroeconomic stability, robust public finance management systems, budgetary transparency and credible public policy) are met, disbursements are made in accordance with the targets and indicators set, as a way of acting as a positive incentive to encourage and support reforms over means of conditionality.

Third, he explained that **budget support programmes are more often intended to impact the social or public finance sector**, as EU budget support normally aligns with the national policies of the partner country. This has been the starting point for dialogue on policy priorities, indicators and targets, so it would also apply to electoral governance. He stressed that the European Commission has about 200 ongoing budget support operations in many different sectors and in support of the respective country policies, in most cases education, health, agriculture, jobs and growth. He said that connecting targets and electoral governance is in this context relatively rare. There could be some budget support operations on good governance, but these should be directly connected to the supported policy and thus not applicable to all. While Mr Costedoat-Miossec believes EU EOM recommendations can inform EU Delegations on partnerships, overall cooperation programme and budget support programme risk management, the European Commission has already committed budget support to electoral governance and democratic reforms in a few countries: Togo, Burkina Faso, Tunisia, Chad, Kyrgyzstan and The Gambia. He stated that missions and domestic observers played a key role, and that a budget support modality proved effective in each of these instances because it created a space for dialogue and incentivised the interest for this dialogue to take place. Yet, he continued that these are rare instances, as normally the main issue is the lack of political will. This needs to be considered when recommending a wider policy of conditionality.

Mr Costedoat-Miossec's last point was about the proposed thematic regional instrument for democratic transition. He flagged the existence of the Thematic Programme for Human Rights and Democracy, which is a legacy programme of the European Instrument for Democracy and Human Rights, currently dedicating 25 % of its funding to EU EOMs. This programme he mentions, however, could hardly assist governments in implementing electoral reforms (as suggested in the Briefing) because the funding prioritises CSOs and domestic observers.

5.2 Intervention from Mr Neal Mac Call, EEAS

Neal Mac Call (Head of Division Democracy and Electoral Observation, EEAS) discussed that the Briefing highlights the increasing number of countries in the world where there is a dichotomy, or a simultaneous exercise, in undermining the principles of democracy while organising electoral processes. The recent wave of coups in some regions of Africa demonstrates the rising threat to democratic processes and he further added that the absence of a commitment to genuine electoral

processes only makes the situation worse. Regarding the issue of invitations, he pointed out that it is a concern of many international observer organisations, as it is increasingly difficult to obtain them. In his view, this is directly linked to studies that show **the growing number of autocratic countries** (72 % of the world population lives under such regimes). However, Mr Mac Call explained that it would be premature to say there has been difficulty in 2023 in the EU obtaining an appropriate number of invitations, as eight fully fledged EOMs were conducted (the same as pre-COVID-19 levels). He did however add that 2024 will be a test year to see if the numbers can be sustained.

He reiterated the conclusion of the Briefing that excessive pressure to obtain invitations can be counterproductive, precisely because **cooperation with the host country is one of the main premises for the operations of the EOMs**. Mr Mac Call added that, collectively, all EU institutions and Member States could develop greater coordination regarding the follow-up on observation missions' recommendations. Despite what the chair had referred to as sometimes conflicting institutional and political priorities, Mr MacCall insisted that it is in the collective interest to make sure that this agenda is pushed forward and that EOMs' recommendations are not forgotten. Mr Mac Call also recalled that recommendations are very specific to the electoral process and need to be complemented by other instruments to cover human rights elements holistically. A **greater synergy** between EOM recommendations and other EU policies could enhance the support's effectiveness. He added that it would be of great benefit if all EU institutions, Delegations and Member States followed up on recommendations and took them into account when programming bilateral assistance and when there are group visits or meetings with third countries. As these are largely legislative issues, he believes it is highly important that these be raised with the elected politicians of third countries. He concluded on the importance of follow-up missions and positively considered their increase in recent years.

5.3 Answer from MEP Nacho Sánchez Amor

Mr Sánchez Amor, reacting to Mr Costedoat-Miossec, questioned the preference not to use conditionality because it could be considered another 'Western' patronising approach. He worried about approaching human rights as 'transactional', as these should not be bargained with, and he questioned why the term conditionality has become so charged. Mr Sánchez Amor continued that he understands the use of reciprocity in many fields, but he is not sure if it is applicable to human rights. If partnerships with third countries must be based on reciprocity, maybe it would be preferable to stick to democratic conditionality. Regarding budget, he wondered if one could be sure that it is directly linked to the real functioning of elections. He questioned whether the budget conditionality has truly functioned in practice, asking in how many occasions did the EU really cut the funding, except for the recent attempts at halting of funding to Palestine after the attacks in Israel by Hamas, by using only a tweet. Mr Sánchez Amor pointed to the case of Mozambique as an example of how EU funds can be misused (i.e. when despite EU funds, one leader of domestic observation, Anastácio Matavel, was killed by police officers during the 2019 elections in Mozambique). He stated that if there is no conditionality, third countries can feel entitled to European funds without upholding human rights or democratic practices, and that we should not adopt the same language.

5.4 Answer from Dr Armin Rabitsch

Dr Rabitsch responded with four points drawn from the Briefing. First, there are some **possibilities for positive conditionality or incentives in existing instruments**: this could be a particular mechanism focusing on supporting electoral reforms and addressing electoral recommendations within NDICI-GE, or there could be within the GSP+ a monitoring system that helps to have an invitation for EU election observation missions, or a direct budget support where there are possibilities of linking direct budget support and variable branches with success. Second, **EU EOMs would be well placed to monitor the respect of human rights in GSP+ countries**, but an implementation clause should be added because currently only ratification is requested. Moreover, human rights analysts are often part of EOMs so they would have the expertise to assess fundamental freedoms standards, and the implementation of international conventions. Lastly, Dr Rabitsch emphasised the **peer review mechanism in the DoP** (for international observers but also for non-partisan domestic election observers). He suggested this peer review mechanism could be strengthened, and there could be a higher bar for reaching quality elections and quality observers. This could lead to the development of a methodology to tackle important challenges such as political advertising, online disinformation campaigns, or the impact of artificial intelligence on elections. Dr Rabitsch closed by saying that, as the world of elections is rapidly changing, there needs to be greater cooperation and dialogue among election observer organisations regarding conducting election observations and stronger engagement in topics like the necessary regulation of online political advertising.

5.5 Answer from Ms Meaghan Fitzgerald

Ms Fitzgerald asked for clarity on which countries are being discussed, as third countries encompass a wide range of countries that include a number of OSCE participating states, and specifying the region and international bodies that operate there can help tailor the conversation to the specific needs. She pointed to her experience with ODIHR, highlighting that when a country does not want observation, even a standing invitation is no guarantee. She disagreed with Mr Sánchez Amor about whether condition cooperation on demonstrable efforts to address election observation recommendations can be effective, citing examples from the Western Balkans and the Caucuses where the EU has called for implementation of ODIHR recommendations and the EU's insistence on this has led to progress. She emphasised that where there is political will and the ability to use the recommendations, these recommendations have been effective. Yet she acknowledged what Mr Mac Call mentioned: that many recommendations do require legal changes, and that does require political will and parliamentary support, which can inhibit the work to address the recommendations.

6 Concluding remarks

Mr Sánchez Amor thanked all participants for their insights and for the very rich debate. While the election conditionality idea seems to be abandoned, he still expressed the need to find new ways to tackle these issues as challenges are only increasing.

Annex – Speakers' bios

Armin Rabitsch is the chairperson and co-founder of Election-Watch.EU (wahlbeobachtung.org), a non-partisan CSO advocating for participatory electoral reforms and young voter education at the EU level. In 2019, the Election-Watch.EU network conducted the first comprehensive Election Assessment Mission to the EP elections. Building on its recommendations to the EP's Constitutional Committee and the European Cooperation Network on Elections, Election-Watch.EU is leading the SEEEDS Project focusing on Enhancing the Integrity of the 2024 EP elections. He worked 25 years as an election and democracy expert across the five continents, including for international organisations (EU, UN, OSCE/ODHIR, the International Foundation for Electoral Systems). He gained expertise in human rights and governance, including in conflict transformation and electoral violence risk assessment, and is guest lecturer at the Global Campus of Human Rights. Armin holds a Doctorate of Philosophy (University of Innsbruck, Austria) and an LL.M. in International Human Rights Law (University of Prague, Czechia), and co-authored the SEEEDS Policy Paper on EP Elections, the UN Educational, Scientific and Cultural Organization Practitioners Handbook on Elections in Digital Times, and the OSCE Representative on Freedom of the Media Policy Paper on Artificial Intelligence's Impact on Freedom of Expression in Political Competition and Elections.

Meaghan Fitzgerald is Head of the Election Department at ODIHR. Meaghan holds degrees in International Affairs, Russian Studies and Law. She began her career with the United States State Department in Belarus and Estonia as a political analyst. Her first experience with the OSCE was in 2002 in Belarus as the Human Dimension Officer after which she spent two years with the OSCE Centre in Dushanbe. Following law school, Meaghan began working in election assistance for the UN Mission in Sudan where she was the External Relations Adviser for the 2010 elections and Legal/Political Adviser for the 2011 Referendum. From 2011-2019, she contributed to EOMs as Mission Director, Deputy Head of Mission and Legal Analyst with the OSCE and The Carter Center, analysis of election legislation for Democracy Reporting International and lecturing on observation. Meaghan joined the OSCE's office for Democratic Institution and Human Rights in 2019 as the Deputy Head of the Democratization Department and later became the Head of the Democratization Department. In June 2021, Meaghan became the Head of ODIHR's Election Department managing all of the offices work on elections and all ODIHR election observation efforts.

Jean Costedoat-Miossec is a policy and programme officer at the European Commission DG INTPA. After a first career as a French official, he has then worked for 10 years for EU institutions, with posting in Senegal, Central African Republic and Brussels Headquarters. His work has focused on democracy support, particularly with election assistance programmes, citizen election observer support projects and women political participation. He currently belongs to the team managing the flagship programmes WYDE – Women and Youth in Democracy initiative, and TED – Team Europe Democracy.

Neal Mac Call has been an EU official since 1995. During his career at the European Commission and then the EEAS, he served, among other, as desk officer on the aerospace industry (DG Enterprise); coordinator for the European Commission's participation in the G8 process (Secretariat General); assistant to the Deputy Director General (DG External Relations); desk officer in the Mercosur Countries division (EEAS); Deputy Head of Division for regional policies for the Southern Mediterranean (EEAS); Deputy Head of Division for Japan, Korea, Australia, New Zealand and the Pacific; and Head of Division for Israel, occupied Palestinian territory and Middle East peace process

(EEAS). As of September 2022, he is the Head of Division for Democracy and Electoral Observation in the EEAS.

II. Working paper

BRIEFING

Strengthening the democracy clause in EU agreements and instruments: Exploring election conditionality

ABSTRACT

This briefing considers where electoral conditionality could be included in European Union (EU) relations with third countries and offers three viable options, namely as part of: direct budget support; General Scheme of Preferences Plus (GSP+); and the Neighbourhood, Development and International Cooperation Instrument-Global Europe (NDICI-GE). In all three cases, not only would electoral conditionality incentivise partner countries to adhere to electoral recommendations, but also encourage them to invite international observer organisations to their elections. Within GSP/GSP+, such observation can be understood as a monitoring tool for implementing human rights conventions within beneficiary countries. Moreover, a newly designed thematic regional NDICI-GE instrument could make EU funding conditional on fulfilling recommendations from election observers. The briefing concludes with suggestions on how to enhance the practice of election observation as a foreign policy tool, with the aim of strengthening electoral integrity.

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List of abbreviations

ACP	African, Caribbean and Pacific Group of States
AU	African Union
CoC	Code of Conduct
DoP	Declaration of Principles
DROI	European Parliament's Subcommittee on Human Rights
EAM	Election Assessment Mission
EC	European Commission
ECDPM	The Centre for Africa-Europe relations
EEAS	European External Action Service
EEM	Election Expert Mission
EFM	Election Follow-up Missions
EODS	Election Observation and Democracy Support
EOM	Election Observation Mission
EP	European Parliament
EU	European Union
ExM	Exploratory Mission
FPI	European Commission's Foreign Policy Instrument
FTA	Free Trade Agreement
GSP+	Generalised Scheme of Preferences Plus
HR/VP	High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission
ICCPR	International Covenant for Civil and Political Rights
NDICI-GE	Neighbourhood, Development and International Cooperation Instrument – Global Europe
OACPS	Organisation of African, Caribbean, Pacific States
OAS	Organisation of American States
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Cooperation in Europe
SADC	Southern African Development Community

UN

United Nations

V-DEM

Varieties of Democracy Institute

1 Introduction

European Union (EU) Election Observation Missions (EOM) represent a highly visible demonstration of the EU's commitment not only in supporting democratisation, but also promoting respect for human rights and the rule of law worldwide¹. In December 1993, the EU deployed its initial team of election observers to the first multi-party parliamentary Russian elections and then in April 1994 to the first post-apartheid elections in South Africa. Since 2000, the EU has deployed around 300 election missions, including over 200 EOMs to more than 75 countries worldwide².

However, EU EOMs have more recently been witnessing considerable democratic backsliding and de-democratisation processes as 'advances in global levels of democracy made over the last 35 years have been wiped out, with 72 % of the world's population – 5.7 billion people – living under autocratic rule by 2022'³. The world has more closed autocracies than liberal democracies for the first time in more than two decades. While many autocracies still invite international EOMs to create the illusion of legitimacy, in reality 'the world is in a prolonged democratic recession'⁴ with the quality of elections worsening in 30 countries over the past decade alone, according to the Varieties of Democracy Institute (V-DEM)⁵.

Among the reasons for democracies sliding back, V-DEM cites worrying developments connected to critical elections and key events bringing alternation in power. At the same time, this Institute highlights international democracy support and protection as important factors which positively contribute to democratic consolidation.

The EU's engagement in election observation not only enhances the integrity of democratic institutions and builds public confidence in electoral processes, but also helps deter fraud, intimidation and violence⁶. Election observation also serves to reinforce other key EU foreign policy objectives, notably peacebuilding⁷. For example, an EU EOM presence during the 2021 Zambian elections resulted in immediate improvements following the victory of a pro-democratic party. These elections took place in an autocratic setting where the electoral playing field was heavily tilted in

¹ Following the entry into force of Council Regulations No 975/1999 and No 976/1999 of 29 April 1999, EU election assistance and observation are exclusively undertaken under the first pillar, the European Communities, and not the second pillar (Common Foreign and Security Policy).

² EC, '[Election Observation](#)', Service for Foreign Policy Instruments, nd (accessed 25 August 2023); EEAS, '[EU Election Observation Missions](#)', Strategic Communications, 07 August 2023.

³ E. Papada et al., '[Democracy Report 2023 - Defiance in the Face of Autocratization](#)', *Varieties of Democracy Institute*, University of Gothenburg, 2023, p. 6.

⁴ L. Diamond, '[Facing up to the democratic recession](#)', *Journal of Democracy*, Vol 26, No 1, 2015, pp. 141-155; L. Diamond, '[Democratic regression in comparative perspective: scope, methods, and causes](#)', *Democratization*, Vol 28, No 1, 2021, pp. 22-42; N. Cheeseman and M-E. Desrosiers, '[How not to engage with authoritarian states](#)', *Westminster Foundation for Democracy Limited*, 2023, p. 4.

⁵ E. Papada et al., op cit., p. 6.

⁶ S. Hyde, '[The Observer Effect in International Politics: Evidence from a Natural Experiment](#)', *World Politics*, Vol 60, No 1, 2007, pp. 37-63.

⁷ EEAS, '[EU Election Observation Missions](#)', op.cit.; EODS, '[EODS EU election observation methodology](#)', nd. (accessed 29 August 2023).

favour of the incumbent. This transition from an autocratic to a more democratic government has had a positive impact on the region's democratic development⁸.

The European Parliament (EP) and the European Commission (EC), with the Election Observation and Democracy Support (EODS)⁹ programme, have developed their methodology in cooperation with other international observer organisations, thereby contributing significantly to transforming this practice into an international norm. However, under the United Nations (UN) international legal framework, sovereign host governments are deciding which organisations should be invited to observe elections and whether an EU election mission is welcome. In line with this fundamental international law principle, the 2000 Communication on EU Election Assistance and Observation¹⁰ requires an invitation from the host country as well as the signing of an 'administrative arrangement(s)' before an EU EOM can be deployed.

Currently, new trends are emerging. On the one hand, the EU is receiving fewer invitations to observe elections, with possible EOM deployment to Senegal being the only scheduled event for the first half of 2024¹¹. On the other hand, illiberal governments invite friendly and 'fake' observers in efforts to create 'autocratic legitimisation'¹², thereby manipulating national and international perceptions about the quality of biased elections¹³.

Against this background, the Democracy and Elections Coordination Group has been discussing ways of improving the EU EOMs' methodology and strengthening their role in the overall EU support for democracy in third countries¹⁴. In this context, the EP's Subcommittee on Human Rights (DROI) expressed its interest in exploring new avenues to make certain types of EU relations with its partner countries conditional on a standing invitation¹⁵ to the EU for EOMs' deployment. Being systematically invited to observe elections in partner countries is expected to provide more certainty and better follow-up than previous EOM recommendations, thus continually strengthening the basis for democracy, human rights and the rule of law over a longer term.

The Briefing is written in this context, analysing: the right to participation in the framework of election observation; other observer organisations' practices in requesting invitations to observe; and options

⁸ Zambia, as chair of the Southern African Development Community (SADC) Organ during Zimbabwe's election on 23 August 2023, appointed the Head of the SADC EOM. It issued a critical preliminary statement after the elections, stating that the Zimbabwean elections did not meet SADC Principles and Guidelines for Democratic Elections.

⁹ EODS, '[EODS, building EU election observation capacity](#)', nd (accessed 29 August 2023).

¹⁰ Commission of the European Communities, '[EU Election Assistance and Observation](#)', COM(2000) 191 final, 11 April 2000.

¹¹ EEAS, '[EU Election Observation Missions](#)', op.cit.; EC, '[European Union Database on Election Missions](#)', nd. (accessed 29 August 2023).

¹² T. Demmelhuber, '[How do authoritarian governments make use of elections and electoral processes to increase their legitimacy?](#)', Policy Department for External Relations, European Parliament, PE702.581, 2023 ; R. Youngs, '[How can the EU and its partners respond to the use of elections as legitimisation strategies by authoritarian regimes?](#)', Policy Department for External Relations, European Parliament, PE702.581, 2023.

¹³ For a list of over 500 politically biased observers, see European Platform for Democratic Elections, '[Database of Politically Biased Election Observers](#)', nd. (accessed 29 August 2023).

¹⁴ So has the EEAS, '[EU Action Plan on Human Rights and Democracy 2020 – 2024](#)', 25 March 2020, p. 19.

¹⁵ The 'standing invitation' of EU EOMs was included in the EP's draft report, '[Strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes](#)', 2022/2154(INI) (final adoption due in November 2023 plenary). Several amendments have been tabled to delete the recommendation on standing invitations.

where electoral conditionality could be included. To conclude, recommendations are provided on how to enhance election observation practices and support the EU's electoral integrity. Content here reflects: international scholarly debate on political conditionality; normative reference points of genuine elections as given in the Handbook for EU Election Observation¹⁶; reports from think tanks and civil society organisations working on elections and election observation; interviews with election practitioners from European institutions, the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), EU election observation mission practitioners; as well as other empirical evidence¹⁷.

This Briefing has a threefold structure. Having set the stage with current EU EOM practice, the main chapter outlines various conditionality options in agreements, declarations, letters, preferential trade schemes and direct budget support. To conclude, the practicality of electoral conditionality is assessed and recommendations are presented on how to enhance the practice of EU election observation, with the overall objective of strengthening electoral integrity.

2 Setting the stage: The nexus of election conditionality and counterproductive reactions

2.1 Right to participate in public affairs through elections

Participation in elections is intrinsically linked to various international standards and fundamental rights¹⁸. The right to participate in public affairs is enshrined in the Universal Declaration of Human Rights as well as the International Covenant for Civil and Political Rights (ICCPR)¹⁹, which is the single most important binding standard for democratic elections. The UN Office of the High Commissioner for Human Rights (OHCHR) and the Carter Centre²⁰ have called for a more human rights-based approach to elections, which the EU has supported in pressing governments for democratic reforms. As stated by the UN Human Rights Committee '(t)here should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes'²¹.

¹⁶ EODS, '[Handbook for EU Election Observation](#)', Third Edition, EEAS, 2016. A draft fourth edition of the EU EOM Election Observation Handbook details the current methodology and is due to be published soon.

¹⁷ In total, the author conducted interviews with 13 representatives from DG INTPA, EEAS, FPI, EODS, OSCE/ODIHR, as well as electoral practitioners.

¹⁸ OHCHR, '[Monitoring Human Rights in the Context of Elections](#)', Manual on Human Rights Monitoring, Chapter 23, UN, 2011.

¹⁹ UN General Assembly, '[International Covenant on Civil and Political Rights](#)', United Nations, Treaty Series, vol. 999, 16 December 1966, p. 171: the prerequisite rights for democratic elections are the right to freedom from discrimination (Arts. 2(1) and 3), the right to freedom of expression (Art. 19(2)), the right to freedom of opinion (Art. 19(1)), the right to freedom of peaceful assembly (Art. 21), the right to freedom of association (Art. 22) and the right to remedy and access to justice. Additional rights may also be relevant, such as the right to freedom of movement (Art. 12), freedom from fear and intimidation.

²⁰ The Carter Centre & OHCHR, '[Human Rights and Election Standards. A Plan of Action](#)', December 2017, p. 31.

²¹ OHCHR, '[General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service \(Art. 25\)](#)', CCPR/C/21/Rev.1/Add.7, General Comment No 25. (General Comments), UN Human Rights Committee, 12 July 1996, para. 20; UN Human Rights Committee, '[Concluding observations on the second periodic report of Honduras](#)', CCPR/C/HND/CO/2, 120th session, 3-28 July 2017, para. 45.

In 2021, the UN General Assembly acknowledged ‘the importance of national and international observation of elections for the promotion of free and fair elections and its contribution to enhancing the integrity of electoral processes in **requesting countries**²², to promoting public confidence and electoral participation and to mitigating the potential for election-related disturbances’²³.

As reiterated by the OHCHR, ‘(e)lection observation is in itself part of the right to participate in public affairs’²⁴. The emphasis on acknowledging election observation by the UN General Assembly and OHCHR primarily stipulates greater support and protection for citizen-led (domestic) election observation and could not be interpreted as extending this ‘right to participate’ towards international election observers. The right to participate is a human right which must be protected within all UN member states and this requires full support from the EU.

2.2 Election observers as human rights defenders

On 27 October 2022, the UN Special Rapporteur on Human Rights Defenders and the UN Special Rapporteur on Freedom of Peaceful Assembly and Association issued a joint statement regarding national and international election observers, who for the first time have been explicitly defined as human rights defenders²⁵. This declaration sets an important precedent by recognising the work of election observers internationally. UN members are reminded of their responsibility within the framework of international law, ‘to promote and protect all human rights and fundamental freedoms, to ensure that all persons under their jurisdiction are able to access and enjoy those rights and freedoms in practice, to enable and protect civic space, and to recognize that in the context of electoral processes, national and international election observers, who are human rights defenders and civil society actors, are entitled to this protection’²⁶. This can serve as a basis for integrating the principle of election observers as human rights defenders into the EU’s external action, in line with fundamental EU values enshrined in Articles 2 and 21 of the Treaty on the EU.

2.3 Declaration of principles

Building on more than three decades of practice, international organisations have developed standard methodologies for international election observation²⁷ and similar compendia for national observers²⁸. Leading international observer organisations commemorated a Declaration of Principles (DoP) for International Election Observation and a Code of Conduct for International Election

²² Emphasis by the author.

²³ See UN General Assembly, ‘[Resolution 74/158 on Strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization](#)’, A/RES/74/158, 17 January 2020, Preamble.

²⁴ OHCHR, [Human Rights and Elections. A Handbook on International Human Rights Standards on Elections](#), 2021, Article 106, p. 55.

²⁵ Global Network of Domestic Election Monitors, ‘[GNDEM Special Note on UN Special Rapporteurs Statement Explicitly Recognizing Election Observers and Human Rights Defenders](#)’, 01 November 2022.

²⁶ UN Special Rapporteur on Human Rights Defenders, ‘[The Situation of Election Observers as Human Rights Defenders](#)’, Information received article, 27 October 2022.

²⁷ For example, EODS, ‘[Handbook for EU Election Observation](#)’, Third Edition, EEAS, 2016, and the slightly outdated OSCE/ODIHR, [Election Observation Handbook](#), Sixth edition, 2010.

²⁸ For example: EODS, op. cit, 2016; and the slightly outdated OSCE/ODIHR, [Election Observation Handbook](#), Sixth edition, 2010.

Observers (CoC) at the UN in 2005.²⁹ Representatives from the UN Electoral Assistance Division, the EU (EP & European External Action Service [EEAS]), the African Union (AU), the Organisation of American States (OAS), the OSCE/ODIHR, the National Democratic Institute, the Electoral Institute for Sustainable Democracy in Africa and the Carter Centre form the DoP convening committee among the total 53 endorsing organisations, making it a *de facto* two-tier organisation³⁰. While there is no permanent secretariat, annual meetings are hosted by one, or at times two organisations, on a rotating basis each year. In 2022, the DoP launched a Communiqué on the benefits of cooperation between international and non-partisan citizen election observer organisations, recognising the potential for cooperation and inclusive dialogue³¹. The next DoP meeting will be hosted by the AU in Addis Ababa in November 2023 and presents an opportunity not only to work on a new basis, but also pursue further standards and norm-setting.

2.4 EU election observation practice

Following increased EU EOM efficiency and various recommendations, the Communication on EU Election Assistance and Observation set out the main principles to be heeded, and questions which must be answered before any EOM can be deployed. These guidelines are still current³². As stated by the EC Service for Foreign Policy Instruments (FPI)³³, priority countries for election observation are listed and defined by the EEAS in consultation with FPI, Member States and the EP. EU EOMs are conducted upon invitation from countries holding their elections. However, despite such invitations, an EU EOM cannot be deployed without a signed administrative agreement between the host government and the EU³⁴. This also safeguards the EU EOM's presence in-country after elections should the government not be satisfied with its Preliminary Statement³⁵. Where the EU has been considered too assertive following a host government invitation, the EU EOM conduct in-country was reportedly severely constrained. Hence, undue political pressure to obtain an invitation could be assessed as counterproductive³⁶. The ultimate decision to deploy any EOM rests with the High Representative of the EU for Foreign Affairs and Security Policy and Vice-President of the EC (HR/VP), following recommendations from the relevant Exploratory Mission (ExM). On average, 30 electoral missions per year are deployed with an annual budget of around EUR 45 million³⁷.

²⁹ UN, [Declaration of Principles for International Election Observation and Code of Conduct for International Elections Observers](#), 27 October 2005.

³⁰ List of endorsing organisations as of 2022: National Democratic Institute, '[Declaration of Principles for International Election Observation and Code of Conduct for International Elections Observers](#)', nd. (accessed 15 August 2023).

³¹ EODS, '[Communiqué on Benefits of Co-operation between International and NonPartisan Citizen Election Observer Organizations](#)', 8 December 2022.

³² Commission of the European Communities, op. cit., p.17.

³³ EC, '[Election Observation](#)', op. cit.

³⁴ In 2021, Ethiopia invited an EU EOM but never signed the administrative agreement with the EU, leading to no EU EOM being sent. The EU sets a deadline for receiving a signed agreement, and without it, no mission is dispatched.

³⁵ In 2021, regarding the EU EOM in Venezuela observers' visas expired and the observation mission was asked to leave. This happened despite their request to stay in the country to follow the aftermath of the elections.

³⁶ Reportedly, EU observers were severely constrained in their operation and deployment during EU EOMs in Egypt (2014) and Pakistan (2018). In 2023, in Zimbabwe, the election management body rejected to meet the EU EOM.

³⁷ This includes EOMs, ExMs, EEM and EFM, with a secure budget allocation for EOMs within the Global Europe regulation. See also EP, '[Election observation](#)', webpage, nd (accessed 29 August 2023); EC, '[Service for Foreign Policy Instruments: Election observation](#)', webpage, nd EODS, op. cit., 2022.

When conditions for a full-fledged EOM are not met, but it is nevertheless considered useful to follow an election process, the EU has the option to deploy an Election Expert Mission (EEM)³⁸. Furthermore, the Communication outlines that it ‘emphasises support to local observers, who can play a key role in the development of democratic institutions. Once democratic institutions are established and functioning well, EU observers should no longer be needed. However, domestic observer organisations receiving EU support must be sufficiently broad-based, well-balanced and neutral’³⁹.

Since 2000, EU EOM methodology has been developed further by: introducing social media monitoring; adding a data analyst to the core team; and hence professionalising the presentation of the EU EOM final report during an EOM return in-country visit. From 2011, Election Follow-up Missions (EFM) have been deployed around two years after elections to check up on the implementation of past EU EOM recommendations and possibly generate electoral reforms ahead of the next elections⁴⁰. EU delegations have day-to-day responsibility for the systematic tracking of implementation progress, working in close cooperation with the EC and EEAS geographical desks; they are also requested to raise any recommendations in formal and informal political dialogue as well as human rights dialogues⁴¹.

The EP stressed EU EOMs’ importance in its 2022 annual Human Rights report and called on the EC ‘to consider updating the election observation methodology to reflect the developments of the last two decades’⁴²; furthermore, it urged third countries to put into practice recommendations made by EU EOMs. The EP has also stressed how important it is to step up EU support to local election observers, notably in terms of protection; it called on the EU to collaborate closely with domestic and international organisations, such as OSCE/ODIHR, the Council of Europe and the other DoP endorsing members.

2.5 International election observation organisation practices

Looking at international election observation organisations, only one member organisation, the OSCE, provides for standing invitations by OSCE participating States for OSCE/ODIHR EOMs while both OAS and AU request formal invitations.

OSCE/ODIHR methodology rests on paragraph 8 of the 1990 Copenhagen Document which states that the presence of observers, both foreign and domestic, can enhance the electoral process’s integrity. The document includes a standing invitation from all participating states (including all 27 EU Member States) to all other participating states as well as appropriate private institutions and organisations, to observe their national election proceedings⁴³.

‘Given that the OSCE Copenhagen Document provides for a standing invitation to observe, a formal invitation is not needed in principle. However, the practice has been that participating States extend a

³⁸ See the EU database on election missions: EC, ‘[EU Election Missions](#)’, webpage, nd (accessed 29 August 2023).

³⁹ Commission of the European Communities, op. cit., p. 16.

⁴⁰ EEAS, [Beyond Election Day: Best Practices for Follow Up to EU Election Observation Missions](#), 2017.

⁴¹ Ibid.

⁴² EP, [Report on human rights and democracy in the world and the European Union’s policy on the matter – annual report 2022](#), P9_TA(2023)0011, 18 January 2023, §38.

⁴³ OSCE/ODIHR, op. cit. 2010, p. 18.

written invitation to ODIHR in a timely manner to reaffirm their commitments and willingness to receive international observers'⁴⁴.

Receiving formal invitations has generally not been an issue, but there are two caveats to OSCE's 'standing invitation': firstly, it does not cover local government elections and referenda, which can be especially problematic in the case of the latter; and secondly, invitations must be timely. Despite global 'democratic recession'⁴⁵ and autocracies' growing confidence, only a few participating states have avoided the deployment of an OSCE/ODIHR EOM. However, Belarus did so in 2020 by transmitting an invitation too late for the OSCE/ODIHR to deploy a meaningful EOM in line with its methodology⁴⁶. The OSCE/ODIHR also decided not to deploy one in Russia because of restrictions imposed by Russian authorities on the number of observers⁴⁷. Both countries have upcoming elections in 2024, which will test the OSCE's standing invitation for EOMs.

2.6 Challenges for EU EOMs

The changing global order towards a multi-polar world, with emerging alternatives for countries of the global South, has resulted in diverting economic interrelations with and dependence on other centres such as China. Internally, the Union's human rights and democratisation agenda is competing with varying economic interests, and externally it is suffering from the EU's shrinking geopolitical importance. In the context of a 'third wave of autocratisation'⁴⁸, EOMs have been facing different challenges, as autocratic regimes continue their attempts to use EU EOMs for regime-supporting purposes. Once an autocratic regime has firmly established its authority, there is a noticeable shift in the atmosphere during subsequent elections. At this point, the regime no longer extends invitations to EU EOMs; instead, they tend to favour the presence of biased or 'fake observers' who are likely to endorse the electoral process⁴⁹.

Accordingly, in this context, it is important to evaluate the positive role of EU EOMs and the impact they have had during recent democratic openings. See, *inter alia*: The Gambia in 2017 (first democratic transfer of power following the Economic Community of West African States intervention and decades of dictatorship); Kosovo in 2019 (transfer of power to main opposition parties); Zambia in 2021 (transfer of power to the opposition presidential candidate); Kenya 2022 (peaceful elections and orderly transfer of power to a new president); and Lesotho in 2022 (orderly transfer of power to a new prime minister)⁵⁰. Further research is necessary across all institutions involved and EU Member States to create a better understanding of which circumstances are most relevant in deploying a full-fledged EU EOM. For instance, could a different, smaller format, create a similar impact and when would it be better not to deploy an EU EOM. If the impact is low or possibly negative, then the EU EOM presence could provide legitimacy to an autocratic regime.

⁴⁴ Ibid, p. 26.

⁴⁵ N. Cheeseman & M-E. Desrosiers, op. cit.

⁴⁶ OSCE/ODIHR, '[ODIHR will not deploy election observation mission to Belarus due to lack of invitation](#)', Press Release, 15 July 2020.

⁴⁷ OSCE/ODIHR, '[No OSCE observers for Russian parliamentary elections following major limitations](#)', Press Release, 04 August 2021.

⁴⁸ A. Lührmann & S. I. Lindberg, '[A third wave of autocratization is here: what is new about it?](#)', *Democratization*, Vol 26, No 7, 2019.

⁴⁹ See also: T. Demmelhuber, op. cit. 2023.

⁵⁰ K. Godfrey, '[Move fast and support things: Responding to democratic opening](#)', Carnegie Europe, 15 December 2022.

Given that at times EU delegations and EU Heads of Missions might have different levels and at times insufficient information about EU EOM methodology, value could be added by informing EU delegations and Member States in more detail about the EU EOMs' functioning and methodology. While they can certainly be viewed as assets in showing the Union's commitment to human rights, EU EOMs are independent in their assessment with Delegations and Member States being expected to support the EU's agreed foreign policy positions and follow up on EOM recommendations.

The EEAS' Crisis Response System and EU situation room are key in coordinating responses among Member States and partners. Close coordination with Member States is necessary to release joint statements, building on the EU EOM preliminary statements following election day. In addition, the Instrument Contributing to Stability and Peace⁵¹ could be strengthened as part of a rapid response mechanism with adequate funding for project contracting should windows of opportunities for positive change arise following elections, rather than focusing primarily on degrading and crisis situations. Such instruments and rapid response to democratic openings require more attention and could be used more in the context of elections.

3 Conditionality options in elections and in the context of EU EOMs

There are many challenges to the norm and practice of international election observation in general and EU EOMs specifically, the latter relying on host governments' political willingness to extend invitations, followed by the signing of agreed administrative arrangements. A previous DROI discussion paper considered 'that making a standing invitation a precondition for any upgrade in trade, aid or strategic cooperation agreements could be difficult and controversial but suggests that more limited and moderate forms could be introduced'⁵².

The DROI Subcommittee is keen to analyse the EP's potential role in designing, adopting and implementing any conditionality provisions on standing invitations to election observers into the EU's human rights and democracy clauses or adjacent provisions. Interest has been expressed in considering different forms of conditionality options and their advantages/disadvantages, as well as their likely impact and necessary preconditions. These include:

- 1) Election conditionality 'clauses' in agreements;
- 2) Inclusion of invitation conditionality in Memoranda of Understanding, Joint Declarations or Exchanges of Letters, which are accompanying international agreements, rather than in international agreements themselves;
- 3) Inclusion of an invitation conditionality in unilateral instruments of the EU, such as the Generalised Scheme of Preferences Plus (GSP+);
- 4) EU governance or democracy support programmes, in particular budget support, depending on a standing invitation to EOMs; and

⁵¹ EU, [Regulation \(EU\) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace](#), *Official Journal of the EU*, OJ L 77, 15 March 2014.

⁵² R. Youngs, op. cit.

- 5) Introducing the norm of standing invitations to non-partisan election observers in relevant multilateral fora (for instance, among participants at the Summit for Democracy, DoP).

3.1 Question of reciprocity

According to international relations theory, reciprocity provides a way to promote cooperation without centralised enforcement of rules⁵³. However, whilst this question is not addressed in the DoP, it could nevertheless be subject to controversy if an electoral conditionality for standing EU EOM invitations was pursued. Many EU Member States lack reference to election observation in their electoral legal frameworks, which could be an issue if other international organisations requested an invitation to observe the upcoming 2024 EP elections. Within the EU, only 11 Member States – Belgium, Croatia, Finland, Hungary, Lithuania, Luxembourg, the Netherlands, Poland, Romania, Slovakia and Slovenia – make provision in their legislation for international election observation and only 9 for citizen-led (domestic) election observation⁵⁴. Reciprocity is considered an area of controversy and could therefore be counterproductive if the EU pushed for electoral conditionality.

3.2 Election conditionality 'clauses' in agreements

The inclusion of human rights clauses in trade agreements can take various forms. Typically, Free Trade Agreements (FTAs) with individual countries are linked to broader political *framework* agreements, which include an essential element and non-execution clause. Regional economic partnership agreements include a list of fundamental principles, as well as essential and fundamental elements. Should the FTA not explicitly provide for an essential element clause, it could include in its preamble a general reference to the common principles and values reflected not only in the Partnership and Cooperation Agreement but also in the UN Charter and the Universal Declaration of Human Rights. However, '(d)espite the increased visibility of human rights considerations in EU trade agreements by virtue of 'essential elements clauses' and concomitant suspension clauses, the enforceability of such provisions has remained modest'⁵⁵.

Close coordination across different EU services and policies is crucial to ensure a more effective and comprehensive human rights approach *vis-à-vis* the EU's trade partners. While the EC focusses

⁵³ R. O. Keohane, '[Reciprocity in International Relations](#)', *International Organization*, Vol 40, No 1, 1986, pp. 1-27.

⁵⁴ At the time of the 2019 European elections, eight Member States (Bulgaria, Croatia, Finland, Lithuania, Poland, Romania, Slovenia, and then the UK) had legislation and accreditation systems in place for both international and national observers. Five additional countries (Austria [with restrictions], Belgium, Hungary [with restrictions], Luxembourg, and the Netherlands) had respective legislation and an accreditation system for international observers, but not for national observers. In Estonia, international and national election observation is allowed without accreditation, while in Latvia international and national election observers can be accredited without corresponding provisions in the law. In Germany, Denmark, Estonia and Sweden, while legislation does not contain explicit provisions for election observation, voting, counting, and tabulation processes are fully open to the public; these processes are also open to the public in the Netherlands. Ahead of the EP elections, the citizen-led election observer organisation Election-Watch.EU applied to all 28 EU Member States election management bodies and received accreditation in 12 Member States. Two countries (Cyprus, Malta) provided accreditation to Election-Watch.EU without having a law or accreditation procedures in place: Election-Watch.EU, [Elections to the European Parliament 23-26 May 2019. Election-Watch.EU Election Assessment Mission Final Report](#), 2019; M. Lidauer, A. Rabitsch & I. O'Rourke, '[Mapping Legislation for Citizen and International Election Observation in Europe: A Comparative Analysis on the Basis of OSCE/ODIHR Reports](#)', *Nordic Journal of Human Rights*, Vol 35, No 4, 2017, pp. 360-374, p. 370.

⁵⁵ P. Van Elsuwege & J. De Coninck, '[The Effectiveness of Human Rights Clauses in EU Trade Agreements: Challenges and Opportunities](#)', Policy report, *Ghent European Law Institute (GELI)*, 2022, p. 6.

essentially on trade-related human rights issues, the EEAS is in charge of political human rights dialogues. EU trade policy cannot be disconnected from the EU's broader human rights agenda. Coherence is an important legal dimension for the EU to treat all human rights as indivisible⁵⁶. The Court of Justice of the EU has determined that currently there are no directly enforceable rights (stemming from the human rights clause) that can be inferred from EU trade agreements⁵⁷. Before any new agreement's conclusion, a clear set of substantive human rights commitments could be elaborated, which covers procedural aspects and standards of enforcement. Regarding bilateral FTAs with individual countries, a coherent approach requires the identification of a clear set of commitments that trade partners must meet before the Council and EP sign/approve the agreement. Reportedly, this approach offers scope for improvement to connect beneficial market access more closely with respect for human rights, linking with DROI looking more closely into human rights clauses in EU agreements. For example, the EU's FTA with Vietnam yielded mixed results, where the position of the EP and some Member States resulted in reforms to Vietnam's labour legislation and the ratification of International Labour Organization core conventions⁵⁸, while the overall human rights situation rather decreased according to human rights groups and several Members of the EP⁵⁹.

The utilisation of any human rights clause is generally considered as a measure of last resort within the EU's strategies for promoting human rights. Instead, the preference is often given to employing restrictive measures under the Common Foreign and Security Policy, which enable the imposition of targeted sanctions on individuals and entities accountable for violations of human rights⁶⁰. Reportedly, targeted sanctions on individuals are easier and faster to implement and have yielded considerable results⁶¹.

An election conditionality 'clause' in agreements appears only in the OSCE Copenhagen Document, which covers 57 participating states, including all EU Member States, and establishes political agreement among sovereign states to institutionalise election observation by extending a standing invitation for OSCE states to observe each other's electoral proceedings⁶².

Regarding the EU's regional agreements, in the Cotonou Agreement⁶³, the EU and countries from the African, Caribbean and Pacific Group of States (ACP) acknowledged that human rights, democratic principles and the rule of law are not only essential elements of their partnership, but also key pillars for long-term development. They committed to protecting and promoting these

⁵⁶ M. Lerch, '[Fact Sheets on the EU, Human rights](#)', European Parliament, April 2023.

⁵⁷ P. Van Elsuwege & J. De Coninck, op. cit., p. 50.

⁵⁸ Ibid.

⁵⁹ C. Francavilla, '[Vietnam's Rights Violations Put Trade Deal with EU at Risk](#)', *Human Rights Watch*, 17 September 2018.

⁶⁰ L. Bartels, '[Assessment of the Implementation of the Human Rights Clause in International and Sectoral Agreements](#)', Policy Department for External Relations, European Parliament, PE 702.586, 2023.

⁶¹ Interview with EU official 14 August 2023.

⁶² 'This principle reinforces the standing invitation for participating States to observe elections in other countries in the OSCE region', according to former OSCE/ODIHR Head of the Election Department, who explained that 'while our early observation efforts concentrated on countries in transition, we're now increasingly receiving and accepting invitations from longer-standing democracies'. Every OSCE EOM normally begins with an official communication from the host government, inviting the OSCE to send observers. The next step is to deploy a 'needs assessment mission' to assess the situation in the relevant country and determine the scale of a potential observation activity. See OSCE/ODIHR, [Election Observation. A decade of monitoring elections: the people and the practice](#), 2005.

⁶³ Council of the EU, '[Post-Cotonou Agreement - Consultation procedure \(article 96\)](#)', nd (accessed August 2023).

areas, particularly through political dialogue⁶⁴. The agreement also included a procedure in Article 96, should any party not comply with these fundamental principles and this had been subject to around 15 applications since 2000, as the result of governments being violently overthrown, escalation of violence or human rights violations⁶⁵.

Compared with its predecessor, the recent EU-Organisation of African, Caribbean, Pacific States (OACPS) Partnership agreement reflects a high degree of continuity, at least on paper, according to the Centre for Africa-Europe relations (ECDPM)⁶⁶. However, the partnership relationship that underpins it has been irreversibly altered. The dedicated off-budget European Development Fund was stopped while the OACPS agreement's substance has become less relevant. Trade and aid have to a large extent been moved out of the partnership.⁶⁷ According to ECDPM, the new agreement 'broadly retains the highly controversial (among OACPS countries) non-execution or "conditionality" clause related to the essential element of "respect for human rights, democratic principles and the rule of law" which is viewed as an essential building block by many in the EU'⁶⁸.

In the OACPS agreement's wording, parties agreed to 'promote the upholding of electoral best practices and cooperation between them, including on electoral observation within the EU Party and OACPS Members, as appropriate'⁶⁹. This could be interpreted as an EU commitment to a reciprocal provision, even if it is not a conditionality clause. The EU would need to ensure that standards of independent election observation are adhered to, in accordance with the DoP framework. Moreover, the EU would need to be cautious in guarding against a possible EOM to the EP election being used for political ends if an OACPS partner country or the regional organisation it belongs to decides to request an invitation and deploy an EOM.

Within the OACPS Africa Regional Protocol, parties agree to 'enhance cooperation on electoral observation, including follow-up on electoral observation recommendations, as appropriate, and shall strengthen cooperation with the AU and the Regional Economic Communities'. They also agree to 'strengthen national mechanisms that redress election-related disputes in a timely manner'⁷⁰. However, no electoral conditionality clause or standing invitation of EU EOMs is foreseen in the OACPS agreement, which will remain current until 2041. Moreover, no amendment in this respect is

⁶⁴ A. Rabitsch, 'An Assessment of the EU's Foreign Policy Concepts of Good Governance and Regional Integration Versus Africa; A Case Study of Zimbabwe's Recent Political Development', University of Innsbruck, February 2010 (unpublished doctoral thesis).

⁶⁵ Article 96 of the Cotonou Agreement was applied in Fiji (2000, 2007), Zimbabwe (2002), the Central African Republic (2003), Guinea-Bissau (2004, 2011), Togo (2004) and Madagascar (2010). A consultation process with Burundi was launched on 26 October 2015 and closed on 8 December 2015.

⁶⁶ A. Medinilla, '[New beginnings or a last hurrah? The OACPS-EU partnership in 2021-2041](#)', ECDPM, Briefing Note No 130, 2021.

⁶⁷ OACPS & EU, '[Partnership Agreement between \[The European Union / The European Union and its Member States\], of the one part, and Members of the Organisation of African, Caribbean and Pacific States, of the other part](#)', Negotiated Agreement text initialled by the EU and OACPS chief negotiators on 15th April 2021; A. Medinilla, op. cit.

⁶⁸ Ibid.

⁶⁹ OACPS & EU, op. cit., Article 9.4.

⁷⁰ OACPS & EU, op. cit., Article 67.2.

foreseen. In addition, most of the envisaged European Partnership Agreements with ACP countries have not been signed by African states⁷¹.

In conclusion, including an electoral conditionality clause as part of essential elements and non-execution clauses appears to be overly ambitious. Given serious political implications, the clear international legal framework (ICCPR) on state sovereignty and the many EU agreements, as well as established norms of international election observation (DoP), any possible EU conditionality clause in agreements to establish standing EU EOM invitations can be seen as adverse to the cause.

3.3 Inclusion of an invitation conditionality in Memoranda of Understanding, Joint Declarations or Exchanges of Letters

The format of Memorandum of Understanding could be used to accompany international agreements to establish benchmarks based on essential element clauses with specific reference to the possibility of appropriate measures being taken under the agreement in the event of non-compliance⁷². However, there seems to be little scope for retrospectively proposing electoral conditionality, including standing invitations to EU EOMs, to an agreement such as the OACPS. Neither could an exchange of letters with individual governments guarantee such invitations. If there is no political willingness to proceed with an EU EOM, its impact can be very limited.

However, it could be of value for the Head of EU Delegations to sound out host governments and possibly receive early indications or provisional invitations for EU EOMs. Furthermore, in the framework of a possible country support programme, such an agreement to invite an EU EOM could be pursued. Should the EU support electoral reforms through electoral assistance projects or fund service providers such as the UN Development Programme, there could be a side letter, which could capture the host government's willingness to invite an EU EOM ahead of its next elections. In any event, an administrative agreement would need to be signed prior to any EU EOM deployment.

3.4 Inclusion of an invitation conditionality in EU unilateral instruments, such as GSP+

The GSP+ is a special incentive arrangement for sustainable development and good governance, which reduces tariffs to zero % for vulnerable low and lower-middle-income countries that ratify 27 international conventions related to human rights, labour rights, protection of the environment and good governance. One of the challenges has been an obligation to ratify only international human rights standards, while their implementation did not form part of the conditionality. Countries have to work towards their implementation, which is subject to EU monitoring, but this has been assessed as not working in accordance with set objectives⁷³. In preparation for the Scheme's expiry on 22

⁷¹ R. Ayadi & S. Ronco, '[The Role of International Cooperation and Development Aid in the EU-Africa Partnership: Governance, Actorness and Effectiveness Analysis](#)', *Europe-Mediterranean Economists Association and Trends in Global Governance and Europe's Role*, February 2023, p. 97.

⁷² L. Bartels, op. cit.

⁷³ I. Zamfir, '[New EU scheme of generalised preferences](#)', Briefing – EU legislation in progress, Members' Research Service, European Parliament, PE 698.857, 2022.

September 2021⁷⁴, the EC proposed a new Regulation to apply from 2024 to 2033⁷⁵. In the mid-term evaluation report and its impact assessment, certain innovations for GSP+ have been proposed⁷⁶. Given the approaching deadline of 31 December 2023 and to ensure that no gap exists between applying the current and future scheme, the EC proposed in July 2023 an extension of current rules⁷⁷. After the EC adopts and shares the report with the Council and EP, the implementation for 2022 will be due and subsequently published.

GSP+ conditionality remains one of the key EU instruments in promoting: respect for human rights and international humanitarian law; labour rights; environmental protection; and good governance in beneficiary countries. According to the EC, it is consistent with treaty provisions on the promotion of sustainable development and human rights through external action, trade provisions regulating imports, EU Green Deal initiatives and the EU Action Plan on Human Rights and Democracy⁷⁸. Under the GSP+, the EC can initiate a procedure for the temporary withdrawal of tariff preferences from a beneficiary country should there be, *inter alia*, a serious and systemic violation of the principles laid down in a selected number of core conventions on human and labour rights⁷⁹.

According to the mid-term evaluation of the GSP/GSP+ regulation, the temporary withdrawal of tariff preferences should be more effectively used. The impact assessment accompanying the GSP mid-term evaluation recommended the extension of negative conditionality. Also considered was an extension to environmental and good governance conventions, given that GSP+ concerns only core human and labour rights UN/ International Labour Organization conventions. The current seven GSP+ beneficiary countries are Bolivia, Cape Verde, Kyrgyzstan, Mongolia, Pakistan, Philippines and Sri Lanka. Pakistan especially, which is scheduled to have elections in January 2024 and is still benefiting from GSP+, has failed on the basis of various international conventions that include good governance, human rights and respect for fundamental freedoms, such as freedom of speech.

⁷⁴ EU, [Consolidated text: Regulation \(EU\) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation \(EC\) No 732/2008](#), 02012R0978, 01 January 2023.

⁷⁵ EC, [Proposal for a Regulation of the European Parliament and of the Council on applying a generalised scheme of tariff preferences and repealing Regulation \(EU\) No 978/2012 of the European Parliament and of the Council](#), COM(2021) 579 final, 22 September 2021.

⁷⁶ The legislative process is ongoing as EU trilogue discussions (started in January 2023) progress to find a compromise between the positions of the two co-legislators. The EP adopted its position on the proposal in May 2022 whereas the Council adopted its mandate in December 2022. Both decisions can be found here: EP, [Report on the proposal for a regulation of the European Parliament and of the Council on applying a generalised scheme of tariff preferences and repealing Regulation \(EU\) No 978/2012 of the European Parliament and of the Council](#), Report - A9-0147/2022, COM(2021)0579, 17 May 2022; Council of the EU, [Regulation on applying a generalised scheme of tariff preferences and repealing Regulation \(EU\) No 978/2012 of the European Parliament and of the Council \(GSP\)](#), 2021/0297(COD), 20 December 2022.

⁷⁷ Although it still has to be adopted by the EP and the Council, the proposal can be found here: [Proposal for a Regulation of the European Parliament and of the Council amending Regulation \(EU\) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation \(EC\) No 732/2008](#), COM/2023/426 final, 04 July 2023.

⁷⁸ EEAS, op. cit. 2020, p. 19.

⁷⁹ In the past, a suspension of trade preferences applied to Myanmar (1997), Belarus (2007), Sri Lanka (2010) and recently Cambodia (2020). See EU, [Regulation \(EU\) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation \(EC\) No 732/2008](#), Official Journal of the European Union, L 303/1, 31 October 2012, Article 19.

Introducing an election conditionality clause, in addition to the international human rights conventions into the GSP+ framework to be ratified and adhered to, would unduly emphasise the importance of only one aspect within the whole process of democratisation promotion, which is not based on an international human rights standard such as the ICCPR. However, it would be necessary to: ensure the thorough implementation and monitoring of the GSP/GSP+ human rights regulation; establish the routine procedure for EOMs in assessing the implementation of conventions; and use the temporary withdrawal of tariff preferences more proactively in cases of human rights violations including forged elections. Rather than pursuing electoral conditionality clauses within the GSP/GSP+, international election observation could be referenced as the monitoring tool for the implementation of the human rights conventions of GSP/GSP+ beneficiary countries⁸⁰. While it would be controversial to reduce this task to EU observation missions only, such a clause could instead refer to DoP-endorsing member organisations. It could thereby ensure invitations for EOMs, as countries have an incentive to access benefits under GSP+ and fulfil the required monitoring mechanism.

3.5 EU governance or democracy support programmes, in particular budget support

The EU being a top provider of direct budget support globally⁸¹, this issue is central to its international cooperation, which involves direct financial transfers to the national treasuries of partner countries engaging in sustainable development reforms. In June 2021, the EU adopted a regulation establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE) ‘to uphold and promote the Union’s values, principles and fundamental interests worldwide in order to pursue the objectives and principles of the Union’s external action’⁸². This regulation provides a general framework for the EU’s financial assistance globally⁸³.

Possible regional thematic funding instrument

The NDICI-GE mid-term review will assess its progress, achievements and potential areas of improvement for future external instruments after 2027⁸⁴. This review could result in amendments to

⁸⁰ Interview with EU official (5 September 2023).

⁸¹ The EU budget support disbursed EUR 6 billion grant payments – EUR 3 billion in 2020, EUR 1.2 billion in 2021, and EUR 1.8 billion in 2022 (of which EUR 700 million to Ukraine). It accounted for 17 % of EU external assistance (including the European neighbourhood and the Western Balkans). The distribution of budget support operations by region shows that Sub-Saharan Africa remains the largest recipient of budget support in volume (35 %), followed by neighbourhood countries (31 %), Asia (16 %), Latin America (6 %), the Western Balkans (4 %), the Caribbean (3 %). EC, [Budget support: Trends and results 2022](#), Directorate-General for International Partnerships and Directorate-General for Neighbourhood and Enlargement Negotiations, 2022.

⁸² EU, [Regulation \(EU\) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation \(EU\) 2017/1601 and Council Regulation \(EC, Euratom\) No 480/2009](#), Official Journal of the European Union, L 209/1, 14 June 2021.

⁸³ A. Sabourin and A. Jones, [‘The OACPS-EU partnership: Damage control or saving the last pieces?’](#), *The Centre for Africa-Europe Relations*, 12 December 2022.

⁸⁴ The NDICI-GE was adopted in June 2021. The Multiannual Financial Framework, adopted in December 2020, is also currently mid-term reviewed and offers an opportunity to adapt the EU’s overall budgetary priorities. A. Jones, [‘The mid-](#)

regional or thematic multiannual indicative programmes⁸⁵. Given current political developments, with a special reference to the series of *coup d'états* in the Sahel and other African regions (Niger and Gabon being the most recent examples), new needs and priorities are emerging to support democratic governance more effectively. In this context, the NDICI-GE could include a future regional thematic funding instrument to improve democratic transition and electoral integrity. However, such an instrument could only be accessed by countries under the conditionality of a prior EU EOM assessment and recommendations as a basis to access funding. This implies that countries interested in such a regional thematic funding instrument would initially have to invite EU EOMs. This proposed arrangement could produce a greater incentive for inviting EU EOMs and following up on their recommendations. A newly designed NDICI-GE instrument would clearly need to be accompanied by a thorough monitoring mechanism of implementation and a continued assessment of the political will for governance and electoral reform.

Direct budget support⁸⁶

Before signing any budget support grant, the EC would need to conduct an eligibility check of the beneficiary country. For example, the roadmaps to resume budget support operations with the Democratic Republic of the Congo or Burundi concluded that some of the eligibility criteria were not met yet. Once a budget support programme has been signed off, fixed and variable tranches of funds are identified, with the latter becoming increasingly important in recent operations, as they are considered to provide more incentives for reforms. These financial transfers are conditional on policy dialogue, performance assessment and capacity building⁸⁷. Budget support can be granted to a country, which meets strong public finance management systems, budgetary transparency and macro-economic stability conditions besides credible national policies in place. In addition, some payments could be also conditional on the achievement of milestones, measured by objective performance indicators.

The policy and political dialogues with any beneficiary country provide for benchmarking variable tranches to target indicators. For the Central African Republic, say, an additional EUR 2 million would have been disbursed if the school attendance rates of 6–11-year-old girls had increased from 70 % to 74 %, subject to a verification source⁸⁸. These benchmarks have also been applied for follow up to electoral recommendations, as in the case of Burkina Faso, Chad, Togo, The Gambia, Kyrgyzstan and Tunisia. To date, there have been mixed results including follow-up to EOM recommendations as this largely depends on political willingness. In The Gambia, for instance, halted constitutional reforms stopped an envisaged increase in women's parliamentary representation. Nevertheless, the incentive-driven and envisaged voter register update triggered the release of direct budget support.

In the case of ongoing direct budget support to a partner country in Sub-Saharan Africa, three different benchmarks were agreed for a variable tranche of EUR four million, which would be released if: (i) the number of voters per constituency were subject to a more balanced allocation, to present

[term reviews of the NDICI and MFF: Navigating geopolitical consequences of the war in Ukraine](#), *The Centre for Africa-Europe Relations*, 30 August 2023.

⁸⁵ Interview with EU official (5 September 2023).

⁸⁶ Interviews with EU officials from DG INTPA, EEAS, FPI, EODS and electoral practitioners.

⁸⁷ EC, [Financial Regulation applicable to the general budget of the Union](#), Directorate-General for Budget, July 2018, Article 236.

⁸⁸ Interviews with EU officials (21 and 23 August 2023).

more equal voting weight across the country, as voters in the South are currently largely underrepresented; (ii) change of voting practices provided for security and defence forces, public officials, polling staff and nomadic minorities, with these voters being assigned to particular polling stations, thus avoiding doubts about results; and (iii) polling station results were released, posted and displayed per polling station. However, while the system of direct budget support and policy dialogue has been used in following up EOM recommendations, EOM invitations have nevertheless reportedly never been linked to financial incentives.

The financing agreement can be suspended without prior notice if 'the Partner fails to observe the principles of international law, including the principles as referred to in the UN Charter, the principles of democracy, the rule of law or good governance, or respect for human rights and fundamental freedoms'⁸⁹. Significant funding was provided to Tunisia, Lebanon and Egypt despite their declining appetites for genuine elections and adhering increasingly less to human rights standards⁹⁰. However, following the recent military coup in Niger, the EU suspended its budget support and security cooperation in July 2023⁹¹. In 2021, the EU also suspended budget support to Ethiopia over the Tigray humanitarian crisis. HR/VP Josep Borrell stated that one of his 'biggest frustrations' of 2021 was the bloc's inability to 'react properly to the large-scale human rights violations, mass rapes using sexual violence as a war arm, killings and concentration camps based on ethnic belonging'⁹².

Zimbabwe, which held elections on 23 August 2023, has not been able to secure financing from the Bretton Wood institutions, due to the more than USD 14 billion (EUR 13.2 billion) of external debt. In February 2023, a second key stakeholder meeting of the dialogue platform on arrears clearance and debt resolution of USD 6 billion (EUR 5.6 billion) launched by the Zimbabwean Government, took place and has been anchored on three pillars, namely economic reforms, political governance reforms and the compensation of former commercial farmers. Conduct during the 23 August 2023 elections and a peaceful campaign were a first test for this re-engagement process and could have been an incentive for the Zimbabwean government to invite an EU EOM. Following the latter's highly critical preliminary statement⁹³, the HR/VP also raised doubts about the Zimbabwean government's commitment to reforms and the future of EU-Zimbabwe relations⁹⁴.

The EP called in its annual human rights report for 'greater transparency regarding human rights-related provisions in financing agreements under the NDICI-GE and for clarification on the mechanism and criteria for the suspension of such agreements in the event of a breach of human rights, democratic principles or the rule of law, as well as in grave cases of corruption' and further called 'on the Commission to refrain from using budget support to third countries' governments as an operational modality for cooperation with countries witnessing widespread violations of human rights and repression of human rights defenders'⁹⁵.

⁸⁹ EC, [EU Financing Agreement - Annex II - General Conditions](#), 2018, Article 26.

⁹⁰ R. Youngs et al., op. cit., p. 9.

⁹¹ Reuters, ['EU suspends budget support, security cooperation with Niger'](#), 29 July 2023.

⁹² V. Chadwick, ['EU readies fresh money for Ethiopia, but not yet its government'](#), DEVEX, 5 July 2022; Reuters, op. cit.

⁹³ EEAS, ['Curtailed Rights and Lack of Playing Field Compounded by Intimidation, Election Day Largely Calm, but Disorderly'](#), 25 August 2023.

⁹⁴ EEAS, ['Zimbabwe: Statement by High Representative Josep Borrell on the elections'](#), 29 August 2023.

⁹⁵ EP, op. cit., 2023, §18.

There is a clear requirement to match the EU's commitment to supporting human rights and not to extend direct budget support to countries violating human rights or without political will to conduct democratic elections. However, there is also a general reservation by electoral practitioners over the concepts of electoral conditionality and standing EOM invitations. Without the necessary political will it would be inappropriate to deploy an EOM in-country.

However, linking incentive-based flexible tranches of direct budget support to the implementation of selected EOM recommendations in line with international and regional standards could result in positive changes. Nevertheless, to qualify for any direct EU budget support, there needs to be a clear political will to conduct democratic elections and respect human rights.

Such incentive-driven intervention could bring about the implementation of necessary electoral legal changes, for example by including measures for women, persons with disabilities and disadvantaged groups such as minorities, internally displaced persons, nomads and migrants. Conversely, measures could be implemented purely due to financial incentives, but without any thorough political interest in changing electoral processes or practices.

3.6 Introducing the norm of standing invitations to non-partisan election observers in relevant multilateral fora

One option could be to pursue stronger commitment within the joint, non-binding DoP framework. To strengthen election observation standards and their oversight would enhance (international) election observation as a norm. A stronger commitment to a possible DoP peer-to-peer review and monitoring mechanism of election observer organisations' conduct could have positive effects. For example, in case a DoP signatory considers that another signatory has not complied with the DoP and its CoC, it could bring the matter before a joint committee, which would then launch a review process and consultations aiming to provide recommendations.

The DoP states that certain conditions must be met for an international EOM to conduct its work effectively and credibly. 'An international election observation mission should not be organised unless the country holding the election [...] **issues an invitation**⁹⁶ 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.' The country which extends the invitation guarantees, *inter alia*, 'unimpeded access' for international EOMs to all stages of the election process and all election technologies (electronic, certification processes for electronic voting and other technologies) without requiring EOMs to enter into respective confidentiality or other nondisclosure agreements, recognising that international EOMs may not certify technologies as 'acceptable'; as well as 'unimpeded access to all persons concerned with election processes'⁹⁷.

The DoP agreed upon by key international election observer organisations sets out best practices and tries to establish norms as well as guarding against any changes in the principle of observing by invitation which would constitute serious breaches. This is even more crucial for an international election observation organisation such as the EU, which is not observing elections among its Member

⁹⁶ Emphasis by the author.

⁹⁷ UN, op cit., 2005, Article 12.

States, but rather outside its boundaries in other sovereign countries. Moreover, various EU Member States are former colonial powers and consequently any request to pursue a possible principle of standing observer invitation could be perceived negatively.

The second Summit for Democracy on 29 March 2023 resulted in a joint declaration endorsed by 73 of the 120 participating governments and authorities. This declaration emphasises that 'democracy can take many forms, but shares common characteristics, including: 'free and fair elections that are inclusive and accessible; separation of powers; checks and balances; peaceful transitions of power; an independent media and safety of journalists; transparency; access to information; accountability; inclusion; gender equality; civic participation; equal protection of the law; and respect for human rights, including freedoms of expression, peaceful assembly, and association.' In order to meet the rising challenges to democracy worldwide, the endorsing countries committed to 'strengthen democratic institutions and processes and build resilience' and agreed that 'freedom and democracy are strengthened through cooperation'⁹⁸. Although the Summit did not impose any obligatory fresh commitments, it enabled civil society to collaborate more effectively with like-minded allies in advancing innovative policies within specific areas⁹⁹. A third Summit for Democracy is planned which will be held in South Korea and could further strengthen the global coalition on strengthening democratic governance and defending human rights.

4 Conclusions and policy recommendations

This Briefing demonstrates that there is no 'one-size-fits-all' solution for reinforcing electoral integrity in EU partner countries. Nevertheless, the answer probably lies in a combination of actions that will jointly contribute to strengthening the EU's fundamental values of democracy, human rights and the rule of law in its partnership with other countries. Based on the analysis of existing options, a series of measures are proposed that could be applied with variable geometry and according to needs, thus customising context-specific responses.

The inclusion of EU EOM standing invitations in agreements, joint declarations, unilateral instruments such as GSP+, or multilateral fora is considered neither feasible nor advisable. Including electoral conditionality 'clauses' would have limited beneficial effects, put established norms for election observation at risk and could even be counterproductive. It would be much more efficient to ensure the thorough application of existing human rights and essential elements clauses to strengthen democracy. Combined with a strong human rights monitoring mechanism, possibly conducted by international EOMs, an adequate (proportional and timely) EU response to human rights violations could reinforce the electoral integrity of partner countries. The EU could provide new regional thematic funding for the support of democratic transition and electoral integrity, linking such an incentive-based approach to the follow-up of EU EOM recommendations. In addition, the implementation of EU EOM recommendations could be supported by an incentive-based direct budget support in countries where the political will exists. Hence, a preliminary and deeper analysis of lessons learned should provide elements for building the outlines of a new framework.

⁹⁸ US Department of State, '[Declaration of the Summit for Democracy](#)', 29 March 2023.

⁹⁹ K. Laroque, '[At the Second Summit for Democracy, Governments and Civil Society Pledge to Take Action](#)', Perspectives, Freedom House, 13 April 2023.

Accordingly, the following policy recommendations envisage different solutions with their possible legal implications, which could impact EU EOMs' deployment by reinforcing the EU's support to democracy and human rights in general. The Briefing concludes with 10 key recommendations based on an analysis of international rules and practices from different elections observations organisations. This reflection also builds upon ideas as well as concerns from election observation practitioners, academics and key actors:

1. Implement a coherent strategy for human rights promotion, integrating election integrity in a revised framework;
2. Provide thematic funding to support democratic transition and electoral integrity;
3. React decisively to democratic openings;
4. Lead by example;
5. Adjust EU EOM regulatory framework and methodology to reflect current challenges;
6. Implement a standard GSP monitoring mechanism for human rights conventions;
7. Promote robust regional and citizen-led EOMs and electoral reform advocacy;
8. Include electoral conditionality provisions in direct budget support agreements;
9. Increase the global standards of election observation; and
10. Avoid using electoral conditionality to pursue standing invitations for EU EOMs.

These recommendations listed in priority order could be elaborated in greater detail and provide thoughts for future endeavours in election observation, democracy and human rights support.

- 1. Implement a coherent strategy for human rights promotion**, connecting EU funding and favourable tax regimes with stricter human rights monitoring. Human rights need to be raised higher on the EU's agenda in its relations with partner countries. The EU's existing strategy for promoting human rights and democracy could further be strengthened with a systematic human rights-based approach applied in an overall framework, interconnecting existing instruments, thereby guiding political and policy dialogue with partner countries. This would help the EU to react more quickly and decisively to the first signs of autocratic behaviour and violations of fundamental freedoms. Consequently, the EU could strengthen its efforts and communicate in clear terms that EU EOMs should not be perceived as providing legitimacy to autocratic regimes or covering up the EU's economic and trade interests. In such a framework, EU EOMs will be considered as one of the measures contributing to the reinforcement of democracy, peace and security in the world. In this context, the EU election activity could have a different format, at different points of time and with a direct connection to local and national elections. It also requires a solid direct collaboration with local citizen-led observers along with other regional and international overseers. The framework should therefore also reinforce national, regional and transnational networks of civil society engaged in election observation. In this way, a variable geometry approach could be customised according to the specific needs and the situation of each partner country.
- 2. Provide thematic funding to support democratic transition and electoral integrity** in the framework of the NDICI-GE. Connecting this thematic funding with an EU EOM invitation would provide an incentive for the partners not only to invite an EU EOM, but also to use its assessment and recommendations as a road map of implementation, which could be followed up regularly. Such a newly designed NDICI-GE instrument would need to be accompanied by a monitoring mechanism of implementation and a continuing assessment of the political will for governance,

implementation of EU EOM recommendations and electoral reform. To move forward, it's crucial to assess various options and learn from past experiences in order to propose a flexible funding instrument. This assessment should build on existing EU election observation strengths, address new challenges, and create a comprehensive approach to improve electoral integrity across the entire electoral process.

3. **React decisively to democratic openings** and build on political will for more effective implementation of democracy promotion. Rather than deploying costly EOMs to autocratic regimes showing little political will to implement electoral reforms, the EU could invest more proactively in situations of democratic openings following extraordinary events or changes of power. This framework could potentially allow the EU to develop a 'democracy road map' with its partners. Based on a systematic political economy analysis as the starting point, the EU could build on existing development instruments contributing to the protection and promotion of human rights and democracy in partner countries. Tools such as the Instrument Contributing to Stability and Peace as well as rapid response to democratic openings require more attention and could be used more in the context of elections.
4. **Lead by example** and implement good practices in election observation. This implies not only fully acknowledging the value added by international and citizen-led election observation in EU Member States, but also providing opportunities to invite observers from within and outside the EU to elections¹⁰⁰. Further, the EP (DROI) could encourage Member States to follow up on OSCE/ODIHR and citizen-led election observer recommendations in line with international standards and regional commitments and support election observation within the EU more proactively. Especially in the framework of the OACPS agreement, the EU and Member States would need to ensure that standards of independent election observation are adhered to, in accordance with the DoP framework. This practice would strengthen democratic practices and provide good electoral behaviour in other countries. This could help build trust and solid partnerships among countries around the world and potentially enhance EU democratic values on the international agenda.
5. **Adjust the EU regulatory framework and methodology¹⁰¹ to reflect current challenges** in line with the EU Action Plan on Human Rights and Democracy¹⁰². Update the EC Communication and review which circumstances are most conducive for EU EOMs to have a positive impact and when recommendations are most likely to be followed up. Introduce an additional format of EAM in response to each situation where the deployment of a full-fledged EU EOM is not advisable, for instance, a smaller mission with a different composition or a more flexible mission deployed in autocratic regimes with little expectation for change. This would send the first signal of concern and provide an assessment with recommendations, albeit containing less legitimacy than a full report on electoral conduct. Consider deploying more EU EOMs to local government elections, the grass-roots of politics. This could support a new generation of political leaders,

¹⁰⁰ Election-Watch.EU, op. cit.

¹⁰¹ The EP's Democracy and Elections Coordination Group has been discussing ways to further improve the methodology of the EU EOMs and to strengthen their role in the overall EU support for democracy in third countries.

¹⁰² EEAS, op. cit., 2020, p. 19.

including more women politicians, who are the key to positive change¹⁰³. Enhance the methodology by introducing standard Electoral Violence Risk Assessments, assessing the underlying drivers and possible triggers of conflict¹⁰⁴ with a focus on gender-based violence. Such assessment could be conducted in good time ahead of an election, possibly combined with or based on a political economy analysis.

- 6. Implement a standard GSP monitoring mechanism for human rights conventions.** International election observation could be recommended for monitoring the implementation of human rights conventions within GSP/GSP+ beneficiary countries. Instead of limiting this task to EOMs only, such a clause could refer to DoP-endorsing member organisations, thereby ensuring the invitation of EOMs, as countries have an incentive to access benefits under GSP+.
- 7. Promote robust regional and citizen-led EOMs as well as electoral reform advocacy** to strengthen peer-to-peer review and support election observers as human rights defenders. Capitalise on shared goals and principles listed in the Declaration of Global Principles for Nonpartisan Election Monitoring and Observation by Citizen Organizations and provide thematic funding to support citizen-led election observation outside and within the EU. Pursue further cooperation of EU EOMs with citizen-led election observers. Promote regional networks of citizen-led election observer organisations for mutual learning and support during elections. Regional observer networks could enhance methodology, political weight and possible regional responses to electoral fraud or manipulation.
- 8. Include electoral conditionality provisions in direct budget support agreements** to pursue implementation of electoral recommendations from past EU EOMs. The EP (DROI) as the promoter and ‘guardian’ of human rights inside and outside the EU could assess more closely human rights clauses in EU agreements with the objective of promoting a human rights-based approach to international cooperation with a specific emphasis on democratic electoral processes accompanied by international and citizen-led election observation. EU direct payment support to governments should go hand in hand with positive human rights records and connect disbursements with meeting democratisation and strengthening electoral practice parameters. This would bring an additional layer of measures to meet international standards for elections on a medium and long-term basis.
- 9. Increase the global standards of election observation** by introducing peer monitoring mechanisms for international and citizen-led election observation. This can be pursued through platforms such as the DoP, including its annual meetings, and for citizen-led election observation through the Global Network of Domestic Election Monitors. Specific focus should be placed on further strengthening and supporting regional member-based organisations observing elections, such as the SADC, and on including representatives of regional and international human rights mechanisms in DoP meetings¹⁰⁵. To monitor DoP, coherent election observation entails publicly naming and shaming ‘fake’ and ‘friendly’ observers as well as

¹⁰³ T. Demmelhuber, et al., ‘[Decentralization in the Arab World. Conceptualizing the Role of Neopatrimonial Networks](#)’, *Mediterranean Politics*, Vol 25, No 4, 2020, pp. 499–521.

¹⁰⁴ A. Hamed, A. Losert & A. Rabitsch, ‘[Elicitive Peace and Conflict Monitoring: A Pilot Study in Iraq](#)’, UN Development, Programme, 2020.

¹⁰⁵ The Carter Centre & OHCHR, op. cit.

holding respective observer organisations accountable. Monitoring of electoral campaigns on global social media networks and online platforms, detecting and countering electoral disinformation campaigns¹⁰⁶ as well as fully understanding the impact of artificial intelligence¹⁰⁷ in elections require concerted efforts together with the development of community standards and methodology.

10. Avoid using electoral conditionality to pursue standing invitations for EU EOMs. Without any political will to invite, welcome and host, the effectiveness of an EU EOM is limited. Norm-based international election observation depends on invitations and requires logistical as well as security support by host governments from time to time. Member organisations observing elections in one of their member countries could pursue standing invitations for observer missions. This still requires official invitation letters as in the case of the OSCE and is in line with respect for the principle of non-interference in domestic affairs and the sovereignty of UN member states.

The propositions presented here are potential avenues to be further explored in the future through deeper analysis and wider consultations, in cooperation with relevant stakeholders involved in this process.

¹⁰⁶ R. Krimmer, et al., [Elections in digital times: a guide for electoral practitioners](#), UNESCO, 2022.

¹⁰⁷ A. Rabitsch, et al., [Policy Paper on Artificial Intelligence's \(AI\) Impact on Freedom of Expression in Political Campaign and Elections](#), OSCE Representative on Freedom of the Media, April 2021.

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6 Annex - Friendly and 'fake' election observers

Autocratic regimes have developed different strategies to legitimise their electoral activities, by inviting friendly and so called 'shadow' or 'fake observers'¹⁰⁸. International public relations firms provide their services to political parties and governments in autocratic states to stay in power. While the constructive criticism of international EOMs by academics is crucial for improving observation methodology, their findings also emphasise the importance of credible, professional and independent assessments of electoral processes. Whilst Azerbaijan, for example, might have become stabilised as an autocratic regime, OSCE/ODIHR election missions repeat their severe critique and assessment during elections. If an autocratic government invites 'fake observers' from organisations such as the Commonwealth of Independent States or the Shanghai Cooperation Organisation, this has limited legitimising effect outside the country as these organisations are not DoP endorsing members and have a tainted reputation amongst international media.

In an increasingly virtual electoral environment authoritarian regimes use disinformation and 'fake observers' for their causes and create conditions, which do not allow the EU to observe. As stated in the DoP '(a)n organisation 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'¹⁰⁹.

The DoP for international and for citizen-led election observers, both initiated for the purpose of protecting election observation standards, not only use and develop further agreed methodology, but also strengthen the norm of independent professional election observation. 'Fake' or government friendly observers have been used for legitimising regimes regardless of the *de facto* implementation of elections, resulting in heightened media and general awareness of such activities. The EU and regional civil society organisations have reacted by establishing publicly accessible data bases with 'fake observer' names. Furthermore, there are published guidelines for media and journalists on how to identify fake election observers¹¹⁰. The EP's Election Observation and Follow-up Unit established a list of banned Members of the EP who in the past have violated the DoP and its CoC. Recently, the Court of Justice of the EU upheld the legally justified measure by the EP to exclude Members from all participation in EOMs until the end of their terms of office¹¹¹.

In Zimbabwe's 2023 elections, the AU/COMESA EOM was headed by former Nigerian president Goodluck Jonathan, who as election observer delivered supporting messages both in the contested Sierra Leone elections and the autocratic Cambodian regime's sham elections earlier this year¹¹². The AU/COMESA mission he headed in Zimbabwe in August 2023 also came up with a rather supportive

¹⁰⁸ M.J. Debre & L. Morgenbesser, '[Out of the Shadows: Autocratic Regimes, Election Observation and Legitimation](#)', *Contemporary Politics*, Vol 23, No 3, 2017, pp. 328–47; L. Morgenbesser, '[The menu of autocratic innovation](#)', *Democratization*, Vol 27, No 6, 2020, pp. 1053–1072.

¹⁰⁹ UN, op. cit. Declaration of Principles, Article 11.

¹¹⁰ European Platform for Democratic Elections, '[Manual for the media identifying fake election observers](#)', 10 August 2022.

¹¹¹ Court of Justice of the EU, '[Order of the General Court of 14 March 2023 – Mariani v. Parliament](#)', C179/43, 22 May 2023.

¹¹² D. Whitehouse, '[Ex-Nigerian President Goodluck Jonathan Joins the Party as Cambodian Election Observer](#)', *The Diplomat*, 25 July 2023.

statement of the electoral process, while the SADC EOM concluded that the mission fell short of its electoral standards.

Such a strategy of autocratic governments works hand in hand with limited or non-existent independent media, which has become an increasing challenge in elections worldwide. Moreover, practices are spreading as autocratic regimes learn from each other. The rejection of internationally agreed democratic standards is often argued along the lines of national sovereignty and the principle of non-interference, with EOMs led by the EU and the United States if America (USA) being at times branded as neo-imperialist or neo-colonial endeavours¹¹³. By contrast, member organisation EOMs like the OSCE/ODIHR have the advantage of being perceived as peer-to-peer reviewers.

Any form of international action or interference has been rejected by China, claiming that '(w)hether a country is democratic should be judged by its people, not dictated by a handful of outsiders'¹¹⁴. The liberal international order's demise has certainly been exacerbated by the damaging behaviour to electoral integrity of former US President Trump, who is now being indicted for election fraud. The practice of actively promoting the principle of democratic legitimisation of power through elections has been weakened. Notable international advocates of democracy, such as the EU and to some extent the USA, are also increasingly facing democratic challenges within their own territories¹¹⁵. Competing development narratives of rising centres such as China, which promulgates autocratic governance in the periphery, are gaining traction. 'The leverage and impact of international election monitoring is being subject to increasing challenges'¹¹⁶. The recent series of coups in Africa and diminishing French hegemony could also be seen as a chance to pursue and strengthen an EU led human rights based approach.

¹¹³ See EU EOM Zimbabwe media digest 28/08/23: The Herald, '[Zimbabwe must denounce mischievous, premeditated election observer reports](#)', 27 August 2023: 'The regime change cohort of former Western colonial powers cannot afford to see Zimbabwe slip through their fingers as it seals its sovereign decision to engage firmly with the likes of Russia and China'.

¹¹⁴ China's State Council Information Office, '[China: Democracy That Works](#)', White Paper, 04 December 2021.

¹¹⁵ A. Shekhovtsov, '[Government-Friendly Election Observers at the 2022 Hungarian Parliamentary Elections](#)', European Platform for Democratic Elections, 2022: 'While "fake observers" have predominantly been a phenomenon in the global South and post-Soviet countries, for the first time in the history of any EU Member States, the Hungarian government recently "invited dozens of friendly politicians, journalists and civil society activists endorsing the elections. Those friendly observers – among them members of the EP and of the Parliamentary Assembly of the Council of Europe – praised the conduct of the parliamentary elections in Hungary and made clearly political statements in support of Fidesz and Orbán'.

¹¹⁶ A. Cooley, '[Authoritarianism Goes Global: Countering Democratic Norms](#)', *Journal of Democracy*, Vol 26, No 3, 2015, pp. 49–63; T. Demmelhuber, op cit. 2023.

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