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REPORT

on EU election observation missions: objectives, practices and future challenges
(2007/2217(INI))

Committee on Foreign Affairs

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(*) Procedure with associated committees – Rule 47 of the Rules of Procedure

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on EU election observation missions: objectives, practices and future challenges (2007/2217(INI))

The European Parliament,

- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in particular Article 25 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, to the OSCE commitments agreed upon in Copenhagen in 1990 and at the Istanbul Summit in 1999, at which all OSCE participating States committed themselves to invite international observers, and specifically the Office for Democratic Institutions and Human Rights (ODIHR), to their elections, to the African Charter on Human and Peoples' Rights and to the American Convention on Human Rights,
- having regard to the Declaration of Principles for International Election Observation and the Code of Conduct for International Elections Observers commemorated at the United Nations in New York on 27 October 2005,
- having regard to all agreements between the EU and third countries and the human rights and democracy clauses contained in those agreements,
- having regard to Articles 3, 6 and 11 of the EU Treaty and Articles 3, 177, 179 and 181a of the EC Treaty,
- having regard to the Charter of Fundamental Rights of the European Union proclaimed in Strasbourg on 12 December 2007,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide¹ (EIDHR),
- having regard to the Communication from the Commission on EU Election Assistance and Observation of 11 April 2000,
- having regard to its resolution of 15 March 2001 on the Commission Communication on EU Election Assistance and Observation²,
- having regard to the EU guidelines on electoral observation³ and the EU guidelines on common criteria for the selection of electoral observers⁴,

¹ OJ L 386, 29.12.2006 p. 1.

² OJ C 343, 5.12.2001, p. 270.

³ Council Decision 9262/98 – PESC 157 – COHOM 6, 3.6.1998.

⁴ Council Decision 8728/99 – PESC 165 – COHOM 4, 28.5.1999.

- having regard to the Council document on election assistance and observation¹,
- having regard to its resolution of 25 April 2002 on the communication from the Commission on the European Union's role in promoting human rights and democratisation in third countries²,
- having regard to the EU Annual Reports on Human Rights,
- having regard to its annual reports on human rights in the world,
- having regard to the resolution of the ACP-EU Joint Parliamentary Assembly of 21 November 2007 on elections and electoral processes in ACP and EU countries³,
- having regard to the decisions of its Conference of Presidents of 8 November 2001 establishing the Election Coordination Group (ECG)⁴, of 12 May 2005 on implementing provisions governing election observation missions⁵, of 21 September 2006 implementing provisions governing the work of delegations⁶ and of 8 June 2006 on guidelines for European Parliament election observation delegations⁷,
- having regard to the preliminary statements and final reports of EU election observation missions (EU EOMs) and to the reports of its election observation delegations,
- having regard to the Annual Reports of the ECG,
- having regard to Rule 45 of its Rule of Procedure,
- having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A6-0138/2008),

- A. whereas elections must be organised in accordance with internationally recognised standards,
- B. whereas the Universal Declaration of Human Rights states that the right to elect freely chosen representatives in secret, in periodically held genuine elections, on the basis of universal and equal suffrage, is one that all citizens should enjoy, that right being also enshrined in all other main international and regional human rights instruments as well as being an essential element of true democracy, to which the European Union is committed in its Treaties,
- C. whereas election observation contributes to the overall promotion and protection of fundamental human rights and, more specifically, civil and political rights; and whereas a genuine democratic election process presupposes respect for freedom of expression and

¹ Council Document 9990/01 - PESC 236 - DEVGEN 103 - COHOM 17, 26.6.2001.

² OJ C 131 E, 5.6.2003, p. 147.

³ ACP-EU/100.123/07/fin.

⁴ PE 309/025/BUR.

⁵ PE 349/329/CPG/DEF.

⁶ PE 375/270/CPG/Rev1.

⁷ PE 375/117/CPG.

free media, adherence to the rule of law, the right to establish political parties and compete for public office, non-discrimination and equal rights for all citizens, and other fundamental human rights and freedoms that all OSCE participating States have committed themselves to protect and promote,

- D. whereas international election observation is aimed at strengthening the legitimacy of the electoral process, increasing public confidence in elections, deterring electoral fraud and exposing it where it occurs and analysing, reporting and making recommendations for the improvement of all aspects of the electoral process in full cooperation with the host country, the settlement of any disputes and the protection of human rights and democracy in general,
- E. whereas election observation in new and developing democracies is the priority of the EU, which demonstrates its commitment to helping new democracies and countries progressing towards democracy to build solid democratic structures,
- F. whereas, as stated in the resolution of the ACP-EU Joint Parliamentary Assembly adopted on 1 April 1999 in Strasbourg on ACP-EU cooperation and involvement in electoral processes in ACP countries and the role of the Joint Assembly¹, reducing poverty, which is the central objective of the EU's development policy, requires the existence of participatory democracy and responsible, corruption-free governments,
- G. whereas, as underlined in the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000² (the Cotonou Agreement), the partnership between the ACP States and the EU is to actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance,
- H. whereas a Declaration of Principles for International Election Observation and a Code of Conduct for International Elections Observers were adopted under the auspices of the UN in 2005, and have been endorsed by both the Commission and Parliament, as well as by 32 other international governmental and non-governmental organisations,
- I. whereas the principles highlighted in that Declaration include full coverage, independence and impartiality, transparency and publicity, professionalism, analysis and advice, respect for the sovereignty of the host country including the need to receive an invitation to observe, cooperation between the different observer organisations, and the non-legitimisation of clearly undemocratic electoral processes,
- J. whereas, since the adoption of the above-mentioned Commission Communication on 11 April 2000, more than 50 EU EOMs have been deployed in 32 countries in Africa, Asia and Latin America; whereas it is remarkable, however, that far fewer EU EOMs have been deployed in southern Mediterranean countries,
- K. whereas under the EIDHR more than EUR 30 million are made available each year for EU

¹ OJ C 271, 24.9.1999, p.57.

² OJ L 317, 15.12.2000, p. 3.

EOMs,

- L. whereas, in a given country where elections have taken place, a democratically elected parliament is of limited value if that institution enjoys no significant power and is dominated by the executive,
- M. whereas some key future challenges remain to be addressed in the field of EU election observation, such as the increasing significance of electronic voting,
- N. whereas the above-mentioned Commission Communication of 11 April 2000 represented a turning point in the EU's approach to election observation, establishing a comprehensive methodology covering the complete election process, from the pre-election to the post-election phase, which has proven to be a great success and has resulted in the EU becoming a leading organisation in the field of international election observation,
- O. whereas the deployment of EU EOMs is a key element of EU foreign policy, and constitutes in particular, together with election assistance, an essential tool for electoral support in the context of the EU's commitment to promoting the values of democracy, development and peace,
- P. whereas successful elections can only take place in the context of the long-term rooting of democratic values, taking into account the need to build a European consensus on the promotion of democracy, within a society including voter and civic education, strong mechanisms for the upholding of human rights, the existence of an independent and pluralistic civil society, and respect for the separation of the legislature from the executive,
- Q. whereas election observation is a long-term process comprising three periods: the pre-election phase, election day and the post-election phase, and whereas each of these periods should be analysed rigorously and impartially on the basis of first-hand data,
- R. whereas although the observation of these three periods may be conducted by different observers, it needs to be complementary and well coordinated,
- S. whereas the added value offered by parliamentarians and former parliamentarians in election observation is incontestable and complementary to that offered by EU EOMs, but cannot, on its own, provide a rigorous judgment of an electoral process,
- T. whereas Parliament plays a key role in EU EOMs, in that a Member of the European Parliament (MEP) is appointed as Chief Observer and, in most instances, an election observation delegation of MEPs is fully integrated into the structure of the EU EOM,
- U. whereas EU EOMs need to have a more coherent and comprehensive follow-up, on both the technical and the political level,
- V. whereas although it is essential to maintain the policy of deploying EU EOMs in conditions where it is possible for the tasks to be undertaken impartially, comprehensively and with security for the personnel involved, the European Union must not be silent in relation to the conduct of elections in circumstances where such conditions do not exist,

1. Confirms its own determination to contribute to the reinforcement of democratic processes by enhancing its involvement in election observation, follow-up to EU EOMs and parliamentary capacity-building;
2. Considers that in absolute terms the holding of elections cannot be regarded as the sole indicator of democracy, but that, nevertheless, it has a positive effect on the democratisation process as measured by improvements in civil liberties, provided that political pluralism, freedom of assembly and association, freedom of expression, equal access to the media, secret ballots and respect for human rights are secured;
3. Stresses that the observation of elections in new and developing democracies should remain a priority, since such states generally stand to benefit most from international election observation and the recommendations flowing therefrom;
4. Regrets that the EU still lacks a common, comprehensive strategy for promoting democracy, and urges all EU institutions and Member States to continue their efforts to make possible the adoption of such a strategy; in this regard, urges all EU institutions and Member States to agree to establish a European Consensus on Democracy;
5. Considers, in the light of this, that election observation is merely a first step towards democracy and that it needs to be complemented by other, adequately funded activities and post-electoral measures for the promotion of democracy, in particular through capacity-building for national parliaments, political parties, the civil service, non-State actors and civil society, and through the promotion of human rights and good governance; therefore requests the maintenance of the budgetary ceiling agreed by the Commission of around 25% of EIDHR for EU EOMs over the seven-year period of the Financial Perspective 2007-2013; asks the Commission to set aside, within this budget funding, allocations for preparatory activities in anticipation of elections, including the training of local election monitors, voter education and other activities which are essential for the long-term establishment of free and fair elections;
6. Pays tribute to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), whose pioneering work has strongly inspired the EU methodology on election observation;
7. Reaffirms the important role of ODIHR election observation missions in the OSCE area, where the EU does not as a rule deploy election observation missions; commends the ODIHR for the quality of its work, which has strongly inspired the EU methodology on election observation and its adherence to high standards of transparency and independence; expresses its concern about statements and actions of some OSCE participating States that call into question the ODIHR's mandate and undermine the effectiveness, funding and independence of its missions; calls on OSCE participating States and on the European Council to uphold the ODIHR's position as the principal election-monitoring body in the OSCE area; in particular, condemns the recent imposition by certain OSCE participating States of restrictions on the duration of EOMs and their refusal to issue, or delay in issuing, visas for observers, which has made it impossible for the ODIHR to fulfil its mandate;
8. Welcomes the positive contribution made by EU EOMs in strengthening democratic

processes, enhancing respect for human rights, fundamental freedoms, good governance and the rule of law, and, in particular, reinforcing electoral processes around the world;

9. Recalls the conclusions of the Commission/Parliament seminar held on 11 September 2007, which stated that, for reasons of methodology, identity and visibility, EU EOMs must continue to operate independently from other international and national observers; considers that this does not, however, preclude regular and close cooperation with other observer organisations on the ground, nor further EU support for capacity-building of national and regional observation organisations;
10. Underlines the success of the EU methodology, but calls on the Commission to further improve and update it by including established practices and addressing new challenges;
11. Stresses that this success has made the EU the leading organisation in the field of international election observation and that the focus on professionalism of EU EOMs is making an important contribution to the emergence of a significant number of highly qualified and experienced electoral experts; stresses, furthermore, that the professionalism of EU EOMs enhances the EU's contribution to entrenching a sustainable awareness of the various elements that constitute a democratic election process; considers in this respect that the experience of former MEPs as short-term observers and long-term observers could be considered;
12. Calls on the Commission to take the appropriate measures to further strengthen the adequate participation of civil society organisations and local observers in electoral processes;
13. Stresses the importance of EU short and long-term observers abstaining from any behaviour that could be perceived by the local population as patronising, superior or disrespectful of local culture; considers that, in this context, and where appropriate, EU observers should link up with local observers;
14. Welcomes the well-established practice of appointing MEPs as Chief Observers of EU EOMs, calls for the appointment process to be clear and transparent in order to ensure the credibility of the Chief Observer and stresses that, while throughout the duration of their mandate they work closely with the Commission and other EU institutions, they should always maintain a clear and well-defined independence, without interference;
15. Welcomes the gender equality policy adopted as part of this methodology in the selection of observers, including the Chief Observer, irrespective of the difficulty of the mission;
16. Takes the view that knowledge of the language used in the country in which the elections are being held (e.g. in Bolivia, Spanish) should be an indicative criterion in the appointment of observers, because the ability to communicate directly with local people makes it easier for observers to become fully acquainted with the social and political situation in the country;
17. Takes the view that, in the pre-electoral period, following meetings with candidates and electoral commission officials, observers should be able to meet other groups in the country in which the elections are being held;

18. Welcomes the positive experience of its election observation delegations in the framework of EU EOMs, to which they provide an important added value giving legitimacy to their conclusions and reinforcing their visibility and acceptance, but stresses that the credibility of those conclusions depends on the rigorous application of the methodology throughout the whole observation process;
19. Welcomes the work done by the European Parliament Former Members Association in founding the International Election Monitors Institute (IEMI) in conjunction with the Former Members of the Canadian Parliament and the United States Association of Former Members of Congress; notes that IEMI members have observed a number of elections, and further points out that all present MEPs will one day be former Members and that their expertise will be invaluable for the further development of the democratic process;
20. Calls on all MEPs participating in election observation delegations to continue to follow the guidelines established for such delegations; stresses the importance of the Code of Conduct for election observers, which also applies to MEPs;
21. Recognises that on a number of occasions European Parliament observation delegations have been short of numbers, and resolves that in these cases it may be thought useful to add former Members to make up the numbers; urges the appropriate political authorities of the European Parliament to follow up this suggestion;
22. Stresses that observer delegations from the political groups do not represent Parliament, and calls on those delegations to refrain from taking any action that may undermine the credibility and visibility of the official European Parliament election observation delegations and that of EU EOMs;
23. Notes that coordination between EU institutions and within the Commission has generally been positive; regrets, however, that it has also suffered in some cases from a severe lack of cohesion leaving further room for improvement;
24. Stresses, in particular, the importance of coordinating all public statements related to the findings of EU EOMs and avoiding the issue of any statement in advance of the presentation by the EU EOM of its preliminary statement, and underlines the key role played in terms of visibility and credibility by the press conference, where the preliminary statement is presented for the first time; calls for both the press statements and reports of findings to be released in accordance with a timetable which takes into account the electoral sensitivities on the ground;
25. Suggests, with a view to improving Parliament-Council relations, that the Council should participate in meetings of the ECG and that Parliament should be given observer status at meetings of the Council Working Group on Human Rights (COHOM);
26. Calls on the Commission to consider, in the negotiation of association agreements or strategic partnerships, how to include the feasibility of observing electoral processes in southern Mediterranean countries and Middle East countries;

27. Considers that an effective and results-oriented follow-up to EU EOMs remains the key challenge to be addressed, and that a distinction should be made between technical and political follow-up, in which all EU institutions and Member States should be involved at all levels;
28. Suggests that the implementation of the recommendations made by EU EOMs be closely followed up, in particular where election assistance is not provided;
29. Requests all EU institutions, and in particular the Council and Member State governments, to incorporate the findings and recommendations of EU EOMs in their political dialogues with the countries concerned, as well as in their demarches, declarations, resolutions, statements and further actions;
30. Calls, in particular, on the Commission to include EU EOMs' recommendations in all action plans in respect of European Neighbourhood Policy countries in which EOMs are deployed;
31. Calls on the Commission to make full long-term use of these recommendations within the framework of drawing up the Country Strategy Papers/Annual Action Programmes under the European Development Fund and under the external financial instruments of the EU, specifically Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation¹ and Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument²;
32. Condemns past examples of practices consisting of a "business as usual" attitude towards countries in respect of which EU EOMs have been severely critical of the electoral process, regrets, on the other hand, that democratic elections are not always legitimated by the EU, and believes that these inconsistencies undermine the fragile idea of democracy in these countries and the image of the EU;
33. Calls on the Commission to carefully assess the outcome of each EU EOM, to absorb the lessons learned therefrom and to clearly state in the final reports the methodological limitations of each EU EOM; moreover, calls on the Commission to make every effort to ensure that the democratic achievements of the EU EOMs (methodology, technical practice, budgetary means, electoral structures, etc.) are not called into question or obliterated once the electoral process is finished;
34. Requests the Commission to explore the feasibility of deploying specialised missions to follow certain key aspects of the electoral process such as the drafting of the electoral legal framework, voter registration and post-election complaints and appeals, which are, in some instances, not comprehensively covered by EU EOMs;
35. Recommends the establishment of a political dialogue in cases where the recommendations made by EU EOMs are not implemented;

¹ OJ L 378, 27.12.2006, p. 41.

² OJ L 310, 9.11.2006, p. 1.

36. Suggests, in line with the above point, that the European Parliament should be present at the opening of a new parliament whose election has been observed and that cooperation with such newly elected parliament should be strengthened;
37. Recommends the introduction of a specific strategy to support newly and democratically elected parliaments with a view to permanently entrenching democracy, the rule of law and good governance;
38. Suggests that, to that end, Parliament should explore ways and means of assisting newly elected parliaments in carrying out their work, with a special focus on developing countries;
39. Suggests to the Commission that it should set up other mechanisms for the monitoring of electoral processes in cases where the deployment of a fully-fledged EU EOM is not possible; calls on the Commission and the Council to be prepared to make strong and timely public statements in relation to elections in these circumstances;
40. Takes the view that, as regards technical follow-up, election assistance constitutes the necessary long-term strategic commitment throughout the electoral cycle that best interacts with EU EOMs, and considers that special attention should be given to reinforcing the independence and legitimacy of electoral management bodies, as well as to supporting the establishment of a permanent rather than an ad hoc election commission;
41. Underlines that, as the democratically elected European institution, Parliament will play a special role in the political follow-up of EU EOMs, and, in particular, in the parliamentary capacity-building process;
42. Calls for serious consideration to be given to the added value, where practicable, of consultation, cooperation and knowledge-sharing between Parliament and ACP parliamentary delegations and missions in the broader context of the external action of the EU, and in relation to other national and international observation missions; proposes that working parties be set up with a view to enabling African Union partners to benefit, as part of the new EU-Africa strategy, from election observation expertise and experience, as the European Union has benefited from the ODIHR/OSCE's working methods and experience;
43. Calls for an analysis of the conditions in which short-term joint election observation delegations could be organised with the counterpart members of the ACP-EU JPA, the Euro-Mediterranean Parliamentary Assembly (EMPA) and the Euro-Latin American Parliamentary Assembly (EuroLatPA);
44. Recommends that joint ACP-EU observation missions be organised periodically when elections are held in the EU;
45. Considers that electronic voting is already playing, and will increasingly play, a crucial role in electoral processes, giving birth to a new kind of electoral fraud; urges the Commission to take the appropriate measures for the reliable observation of such voting and to properly train observers for that purpose;

46. Calls for the adoption by Parliament of an annual report on EU EOMs;
47. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the President of the Euro-Mediterranean Parliamentary Assembly and the Co-Presidents of the Euro-Latin American Parliamentary Assembly, the President of the Parliamentary Assembly of the Council of Europe, the President of the OSCE Parliamentary Assembly and the Director of the Office for Democratic Institutions and Human Rights.

EXPLANATORY STATEMENT

EU Election Observation Missions: objectives, practices and future challenges

Introduction

Elections do not alone equate to democracy, but are an essential component of every democratic system as well as one of the fundamental human rights. International election observation is one of the tools employed to support electoral processes in the context of democracy promotion and its extraordinary development in recent years has brought along the adoption of the Declaration of Principles for International Election Observation (hereinafter 'the Declaration'), which was endorsed by the Commission in November 2005 and by the Parliament in May 2007.

The EU started deploying electoral observers for the first multi-party parliamentary elections in Russia in 1993 and continued its engagement throughout the 1990s. However, it was not until the Commission issued its Communication on EU Election Assistance and Observation in April 2000 that a comprehensive EU methodology for election observation was introduced. This Communication was assessed and endorsed by the Parliament in its Resolution of March 2001, which also suggested the main lines of its involvement in the field.

EU EOMs in the context of EU Foreign Policy

The promotion of democracy is a central objective of EU foreign policy and EU EOMs have proved to be a very successful tool in this context. This success has not only turned the EU into a leading organisation in the field of international election observation but has also significantly increased its prestige as a global actor. However, the EU has regrettably not as yet been able to adopt a common strategy on promoting democracy abroad. The absence of such strategy clearly limits the effectiveness of EU EOMs. Thus, it is essential that all EU institutions and Member States continue their efforts to bring about the adoption of a comprehensive EU strategy on democracy promotion.

It seems equally important that the focus on election observation is not overstressed. Elections are an essential, but not the only component of democracy. Sufficient room and funding should be left to allow carrying out activities aimed at reinforcing other aspects of democratic governance. In this light, the established practice of limiting expenditure on EU EOMs to 25% of the EIDHR-budget, which translates into approximately € 40 million per year, should be respected.

Methodology

The Commission Communication on EU election assistance and observation was highly inspired by the methodology of the OSCE/ODIHR, which was one of the first organisations to give serious thought to the professional conduction of election observation. Today, both organisations not only share a common approach, but also cooperate closely and have experienced an enriching exchange of expertise and practitioners.

This common approach sees election observation as a long-term process that goes far beyond election day alone and includes the pre- and post-electoral phases. In addition, the EU methodology largely complies with the principles of 'the Declaration'. The EU only observes upon invitation from the host country. EU EOMs offer full coverage and assessment and are independent and impartial. On top of this, EU EOMs offer a high degree of transparency and publicity and provide sound analysis and advice. The EU also seeks to establish a good cooperation with other organisations involved in election observation.

Furthermore, no EU EOM is deployed in a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process. This was, for instance, initially the case for the elections in Pakistan in 2008, where the EU refused to deploy an EU EOM as long as the state of emergency declared by President Musharraf was not lifted. Also, EU EOMs are conducted by well-trained, experienced professionals, thus, significantly contributing to the emergence of highly qualified electoral experts.

Moreover, the Commission has established the practice of appointing a MEP as Chief Observer of EU EOMs, which significantly contributes to providing them with a sound leadership and visibility. Chief Observers should cooperate with the Commission, other EU institutions and the members of the mission throughout their mandate. However, they should maintain a clear and well defined independence without interference.

The EU has also followed a gender equality policy for its EU EOMs, in particular as regards the selection of observers, including the Chief Observer, independently of the difficulty of the mission. This has to be seen as a very positive feature.

In all, EU methodology on election observation can be considered as a great success. However, the Commission Communication on which it is based is already eight years old. The Commission should consider revising and updating this Communication so as to include established practices, such as those based on 'the Declaration', and address future challenges.

The Role of the Parliament

As regards to its internal organisation, the Parliament established the Election Coordination Group in November 2001, in charge of coordinating all election observation activities and establishing the priorities for election observation.

As the elected parliamentary body of the EU, the Commission Communication envisaged a special role for the Parliament. Its involvement in this policy provides EU EOMs with a political added value reinforcing their visibility and increasing their level of attention from the media and the public. It is indeed in the framework of long-term missions that the Parliament should send election observation delegations, since only such missions can provide a comprehensive and rigorous judgement of an electoral process.

The role of MEPs, however, necessarily differs from that of other Short-term Observers because, as elected parliamentarians, MEPs provide a particular perspective and experience which can lead to a careful political assessment of a given electoral process.

In all, the experience of the Parliament's involvement in EU EOMs is highly positive, but some aspects can still be improved. A very important one is the inadequate level of compliance with the guidelines established by the Conference of Presidents by participating MEPs. Indeed, there have been in the past inopportune examples of MEPs lacking the necessary impartiality required from an electoral observer. In the future, MEPs who wish to participate in these delegations should strictly follow the established guidelines.

A further increasingly controversial aspect is the role of observer delegations from the Parliament's political groups. Whereas the political groups are free to send delegations to observe elections in third countries and carry out their own agendas, their activities should not undermine the credibility and visibility of the official Parliament election observation delegation nor that of the EU EOM.

Inter-Institutional Relations

EU EOMs are conducted under the community pillar and thus involve all EU institutions and Member States including the Commission delegations and the Member States' diplomatic missions in the host countries. The Commission plays the leading role in this policy, in charge of planning and implementing EU EOMs. The Council is consulted through COHOM, the Geographical Working Groups and the Human Rights Committee and the Parliament through the Election Coordination Group.

Overall, EU coordination has generally been positive. A good example is the celebration of joint conferences and seminars, such as the Joint Commission-Parliament Seminar on EU Election Observation in September 2007.

EU coordination has, however, in the past, suffered some severe incoherencies. A key aspect is the need to coordinate all public statements made with regard to the findings of EU EOMs, as the former have a crucial impact on the effectiveness, credibility and visibility of the later. In this regard, the press conference, where the statement of preliminary findings should be released for the first time, has been identified as a crucial moment. This has regrettably not always been the case. For instance, the EU EOM in Togo 2007 was seriously undermined, when the Commission issued a press release commenting on the elections some few hours before the official press conference took place in Lomé.

Furthermore, there should be an enhanced consultation between institutions. In particular, the Council should regularly participate in EGC meetings and the Parliament should be given observer status at COHOM.

Follow-up

Insufficient and even incoherent follow-up to EU EOMs still occurs in many cases and clearly limits their impact and effectiveness. In this light, some past examples have shown that the EU and its Member have continued to conduct "business as usual" with states whose electoral processes had been severely criticized by an EU EOM. A regrettable example was the 2005 elections in Ethiopia, after which, despite the violent suppression of the opposition and widespread arrests, the EU did not invoke art. 96 of the Cotonou Agreement.

On the other side, electoral process that were perceived as democratic and up to international standards by EU EOMs, have been criticized by the EU and its Members. This was the case with the legislative elections in the West Bank and Gaza in 2006.

These incoherencies are deeply regrettable and seriously undermine the fragile idea of democracy in these countries as well as the image of the EU as a global actor. Follow-up remains, therefore, the key challenge to be addressed and, in this regard, a clear distinction needs to be made between technical and political follow-up.

To begin with, some aspects of elections cannot be fully covered under the current model. The process of drafting the electoral legal framework or that of voter registration as well as the electoral complaints and appeals can not always be comprehensively covered by an EU EOM deployed for around three months. To tackle this, the Commission should establish a standard response procedure by deploying specialised missions to analyse these specific aspects of the electoral process.

As regards technical follow-up, election assistance remains the best form to provide a long-term strategic engagement throughout the electoral cycle that best interacts with EU EOMs. In this light, beyond observation, the EU has given considerable attention to the methodology of assistance where it has invested significantly more funds: over € 400 million since 2000. A special attention needs to be given in this respect to reinforcing the independence and credibility of Electoral Managements Bodies (EMBs), since this plays an essential role in increasing public confidence in elections and might help to reduce post-election violence.

Nevertheless, on some occasions, the root cause for poor election practice is political rather than technical. It is in these cases where follow-up at the political level can make an impact and where all institutions should send a common, coordinated message.

The Council and the Commission should bring the findings of EU EOMs into their political dialogues with the country concerned and should not fail to refer to these findings in their declarations and statements. The Parliament, in turn, should continue to incorporate these findings into its resolutions. A positive experience in this sense was the prompt statements of the Parliament and the Council right after the 2007 Kenyan elections, which extensively refer to the findings of the EU EOM.

Furthermore, it is evident that a democratic parliamentary election is of limited value if the elected institution enjoys no significant powers and is dominated by the executive. In this light, the Parliament should be determined to play an important role in the field of parliamentary institution building.

A further important trend for future practice should be the organisation of joint election observation delegations with the counterpart members of the ACP-EU JPA, the EMPA and the EuroLat. This would enhance the level of mutual understanding, facilitate the exchange of expertise and reinforce parliamentary capacity building.

4.3.2008

OPINION OF THE COMMITTEE ON DEVELOPMENT (*)

for the Committee on Foreign Affairs

on EU Election Observation Missions: objectives, practices and future challenges
(2007/2217(INI))

Draftsman(*): Jürgen Schröder

(*) Procedure with associated committees - Rule 47 of the Rules of Procedure

SUGGESTIONS

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas as stated in the resolution of the ACP-EU Joint Parliamentary Assembly adopted on 1 April 1999 in Strasbourg on ACP-EU cooperation and involvement in electoral processes in ACP countries and the role of the Joint Assembly ¹, reducing poverty, which is the central objective of the EU's development policy, requires the existence of participatory democracy and responsible, corruption-free governments,
- B. whereas as underlined in the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou, Benin, on 23 June 2000² (the Cotonou Agreement), the partnership between the ACP States and the EU shall actively support the promotion of human rights, process of democratisation, consolidation of the rule of law, and good governance,
 1. Considers that in absolute terms the holding of elections cannot be considered as the sole indicator of democracy, but that nevertheless it has a positive effect on the democratisation process as measured by improvements in civil liberties, provided that political pluralism, freedom of assembly and association, freedom of expression, equal access to the media, secret ballots and respect for human rights are secured;

¹ OJ C 271, 24.9.1999, p.57.

² OJ L 317, 15.12.2000, p. 3.

2. Stresses that the EU election observation activities can be regarded as a fully-fledged tool of EU external action only if they are structurally linked to an overall EU action geared to a particular country and region and if all EU external policies are consistent with the objective of democratisation and institution building; it is also crucial that their preparation - including training of observers, and follow-up, including monitoring to what extent the local government takes account of the EU Election Observation Mission's (EU EOMs) recommendations - , are adequate;
3. Stresses that EU EOMs must be independent and professional; insists that EU EOMs must be free to carry out their work without being subject to political pressure or interference from the Commission or the Member States; notes that an EU EOMsion, while fulfilling its mandate, judges the process of an election and not its outcome; insists that EU EOMs must remain separate and ring-fenced from EU diplomatic activity before and after an election;
4. Stresses the importance of EU short and long-term observers abstaining from any behaviour that could be perceived by the local population as patronising, superior or disrespectful of local culture; in this context, and where appropriate, EU observers should link up with local observers;
5. Takes the view that in practical terms the challenge of the follow-up to EOMs can be addressed by ensuring that the recommendations contained in the final reports produced by the EOMs in the aftermath of elections are sufficiently taken into account in the process of identifying the concrete areas of EU support for a particular country; calls on the Commission to make full long-term use of these recommendations within the framework of drawing up the Country Strategy Papers/Annual Action Programmes under the European Development Fund and under the external financial instruments of the EU, specifically Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation¹ and Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument²;
6. Strongly believes that EU election observation activities can only be effective if they go hand in hand with appropriate long-term development policies and with firm and substantial EU support for strengthening democratic political mechanisms, in particular through capacity-building for national parliaments, political parties, the civil service, non-State actors and civil society, and through the promotion of human rights and good governance;
7. Recommends the introduction of a specific strategy to support newly and democratically elected parliaments with a view to permanently entrenching democracy, the rule of law and good governance;
8. Suggests that, with that purpose in view, Parliament should explore ways and means of assisting newly elected parliaments in carrying out their work, with a special focus on

¹ OJ L 378, 27.12.2006, p. 41.

² OJ L 310, 9.11.2006, p. 1.

developing countries;

9. Recognises the good cooperation that exists between Parliament and the Commission in the field of election observation and stresses the importance of the Code of Conduct for election observers which applies also to Members of the European Parliament (MEPs); calls for the appropriate mechanisms to be found for further strengthening the role of MEPs in the EU's scrutiny of elections, given their democratic legitimacy and specific expertise, as well as for further strengthening the cooperation between the institutions and the Member States, between the institutions themselves and between the EU EOMs and other national and international EOMs in order that they increasingly speak with one voice to reinforce the message about election outcomes;
10. Calls for serious consideration to be given to the added value, where practicable, of consultation, cooperation and knowledge-sharing between Parliament and ACP parliamentary delegations and missions in the broader context of the external action of the EU, and in relation to other national and international observation missions;
11. Recalls the conclusions of the Commission/Parliament seminar of 11 September 2007 that, for reasons of methodology, identity and visibility, EU EOMs must continue to operate independently from other international and national observers; this does not, however, preclude regular and close cooperation with other observer organisations on the ground, nor further EU support for capacity-building of national and regional observation organisations;
12. Stresses the decisive contribution made to the EU electoral observation policy by parliamentary missions organised under Parliament's aegis, or jointly with the ACP-EU Joint Parliamentary Assembly, by virtue of their democratic credentials and specific experience, which enhance the political prestige of the missions in question;
13. Recommends that joint ACP-EU observation missions be organised periodically when elections are held in the EU;
14. Notes that electronic voting is a recent development in electoral processes with a noteworthy impact on election observation assessments; therefore calls on the Commission to develop guidelines for the observation of such particular voting experienced in several countries all over the world.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	3.3.2008
Result of final vote	+: 20 -: 0 0: 0
Members present for the final vote	Thijs Berman, Danutė Budreikaitė, Ryszard Czarnecki, Nirj Deva, Alain Hutchinson, Romana Jordan Cizelj, Glenys Kinnock, Maria Martens, Luisa Morgantini, Horst Posdorf, Pierre Schapira, Frithjof Schmidt, Jürgen Schröder, Johan Van Hecke
Substitute(s) present for the final vote	John Bowis, Fiona Hall, Manolis Mavrommatis, Csaba Öry, Ralf Walter
Substitute(s) under Rule 178(2) present for the final vote	Glyn Ford

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	2.4.2008
Result of final vote	+: 60 -: 0 0: 1
Members present for the final vote	Roberta Alma Anastase, Bastiaan Belder, André Brie, Elmar Brok, Colm Burke, Marco Cappato, Giorgos Dimitrakopoulos, H��l��ne Flautre, Hanna Foltyn-Kubicka, Michael Gahler, Bronis��aw Geremek, Maciej Marian Giertych, Alfred Gomolka, Klaus H��nsch, Richard Howitt, Jana Hyb��škov��, Jelko Kacin, Ioannis Kasoulides, Metin Kazak, Maria Eleni Koppa, Helmut Kuhne, Vytautas Landsbergis, Johannes Lebech, Francisco Jos�� Mill��n Mon, Philippe Morillon, Pasqualina Napoletano, Annemie Neyts-Uyttebroeck, Baroness Nicholson of Winterbourne, Raimon Obiols i Germ��, Vural ��ger, Ria Oomen-Ruijten, Cem ��zdemir, Justas Vincas Paleckis, B��atrice Patrie, Alojz Peterle, Hubert Pirker, Samuli Pohjamo, Michel Rocard, Ra��l Romeva i Rueda, Libor Rou��ek, Christian Rovsing, Katrin Saks, Jos�� Ignacio Salafranca S��nchez-Neyra, Jacek Saryusz-Wolski, Gy��rgy Sch��pflin, Inese Vaidere, Ari Vatanen, Kristian Vigenin, Zbigniew Zaleski, Josef Zieleniec
Substitute(s) present for the final vote	Laima Liucija Andrikien��, Giulietto Chiesa, ��rp��d Duka-Z��lyomi, Milan Hor���ek, Marie Anne Isler B��guin, Tunne Kelam, Doris Pack, Aloyzas Sakalas, Antol��n S��nchez Presedo, Csaba S��ndor Tabajdi, Luis Ya��ez-Barnuevo Garc��a