



Organization for Security and Co-operation in Europe  
**PARLIAMENTARY ASSEMBLY**

**The Secretary General**

H.E. Ambassador Bertrand De Crombrugghe  
Chairman of the Permanent Council  
OSCE

Copenhagen, 26 September 2006

Dear Ambassador, dear Mr. Chairman,

I write to express my regret that representatives of the OSCE Parliamentary Assembly were denied the opportunity to actively participate in the briefing on election observation which took place in Vienna last Friday.

As you know, election observation in the OSCE has been a joint undertaking between the OSCE Parliamentary Assembly and the ODIHR since the 1997 Cooperation Agreement was signed by the OSCE Chairman-in-Office and the President of the OSCE Parliamentary Assembly in Copenhagen. It is, therefore, not understandable that the Belgian Chairmanship of the Permanent Council and the Director of the ODIHR have prevented the active participation of the Parliamentary Assembly's representatives in important discussions on election observation. Such action is certainly not consistent with democratic practices or the principles of transparency and accountability that are fundamental to democratic governance.

I also must express my regret, as well as my surprise, that the Belgian Chairmanship refused to distribute a relevant letter to the participants in the briefing and that a short synopsis of that letter, which contained relevant points to the discussions and which is completely accurate, was apparently removed from the racks outside the meeting room. I believe that the failure to take into consideration the Assembly's point of view and such unwarranted censorship of those views only serves to deny the Representatives of participating States the information they need, and should have, to accurately and completely report to their respective governments on these matters.

Although we were denied the opportunity to participate in the discussion, the notes taken by the Parliamentary Assembly's observers clearly show that most members of the Permanent Council are unaware of the circumstances that have caused the Belgian Chairmanship to appoint "monitors of the monitors" to look into the lack of cooperation and other problems between the ODIHR and the Parliamentary Assembly. The assertions by Ambassador Strohal that cooperation between the Parliamentary Assembly and the ODIHR is proceeding very well is simply not true.



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Cooperation between the ODIHR and the Parliamentary Assembly in the field of election monitoring has deteriorated considerably during the past two years. The ODIHR has consistently and repeatedly ignored the Cooperation Agreement. It has also gone beyond the Copenhagen Commitments, the only agreed criteria for OSCE election judgments, in favor of other standards which have not been agreed to and which, in some instances, are standards not adopted in any of the participating States.

Although there is almost unanimous support for the idea of autonomy for the ODIHR, with which we certainly agree, it should be noted that autonomy should not mean that they are free from oversight or that they should be immune from criticism or should not be accountable for their actions, particularly with regard to the expenditure of public money. In this regard, it should be a matter of concern to all that the OSCE has refused access for the Parliamentary Assembly to specific information about voluntary contributions to ODIHR election-related funding upon specific instructions by the Belgian Chairmanship.

OSCE Parliamentary Assembly President Göran Lennmarker has requested that we also conduct a briefing on OSCE Election Observation in Vienna at the earliest opportunity. We will also invite Ambassador Strohal to be present and participate in the briefing. Since the Belgian Chairmanship refused, apparently in consultation with Ambassador Strohal, to distribute the letter of Ambassador Nothelle, I take the liberty of also sending a copy of that letter to Members of the Permanent Council as well as to the Standing Committee of the OSCE Parliamentary Assembly.

In the interest of cooperation and transparency and accountability in the OSCE, I ask for your assistance in facilitating the Parliamentary Assembly briefing.

Sincerely yours,

R. Spencer Oliver

cc: OSCE Permanent Council  
OSCE PA Standing Committee  
Mr. François De Donnea  
Mr. Jan Petersen

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Organization for Security and Co-operation in Europe

**PARLIAMENTARY ASSEMBLY**

Vienna Office

The Special Representative

Chairman of the OSCE  
Permanent Council  
H.E. Ambassador Bertrand de Crombrughe

**Briefing by Director Strohal on September 22, 2006**

Dear Chairman,

Thank you for your letter of September 8, in which you replied to my July 24 request for the inclusion of the PA leadership into the upcoming briefing that ODIHR will hold on participating States on Election Observation issues. In the meantime, I have received an invitation from Director Strohal to "observe the meeting", which, as I take it, again means that I have to remain silent.

Let me therefore reiterate our position on the issues at stake: The OSCE PA is deeply disappointed that the representatives of the participating States, in their search for ways to improve election related activities, are deprived of an opportunity to hear the positions and the experience of the OSCE PA, the oldest OSCE institution working in the field of election observation. ODIHR's letter of September 18, or rather the attached overview of key issues, clearly mentions "The Role of Institutions and OSCE Instruments" and the enhancement of their monitoring capacity as well as the necessity for a clear mandate, and in particular the cooperation with the OSCE PA, as one of the points to be discussed. Another issue is the timing of the Post-Election Press Conference, in which the PA Member who the Chairman-in-Office has appointed as Special Coordinator delivers his statement.

You are aware that the OSCE PA, like the Parliamentary Assemblies of the other European Organizations, has taken an early lead in election observation. Focusing on parliamentary elections and on important other national elections, the OSCE PA has a long standing experience in the field. Parliamentarians, who are themselves elected and have to deal with elections on an almost daily basis, are the most knowledgeable experts on the matter. In many democratic parliaments, they are the ones that – usually in a special committee – have to validate elections. But their expertise goes much further. As you know, the assessment of whether elections meet the Copenhagen criteria has to take into account not only the technical proceedings on election day, but also the preparations leading up to the elections. Parliamentarians, who themselves have been entrusted by their citizens with the task of taking decisions based on facts, information and personal judgement, are also best equipped to make this assessment, on the basis of information they are getting from all relevant sources, including long term observers.

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In order to streamline the work of the OSCE PA and ODIHR, the OSCE Chairmanship has concluded the 1997 Cooperation Agreement with the PA. This agreement clearly stipulates that election observation is a joint undertaking by both institutions. The PA is involved in the process from the moment a country announces that it will have elections, participating – if it thinks it is necessary – in Needs Assessment Missions, Pre-Assessment Visits, briefings, gathering information, and collecting as well as handing out briefing material. The Chairman-in-Office appoints a leading member of the PA as Special Coordinator to lead the OSCE Short Term Observation Mission and to deliver the Preliminary Post Election Statement on behalf of the OSCE at a Press Conference the day after the election. The PA Core Team, which has been closely communicating with the On-Site ODIHR Core Team (which is instrumental in assisting with the logistics), usually arrives on site at the beginning of the week preceding the election, often together with the ODIHR staff that tries to prepare the first draft of the preliminary statement. As a rule, one day after the briefings for the Short Term Observers that are seconded to the mission by participating States, Parliamentarians get extensive briefings – over two days. On and after Election Day, while most parliamentarians are engaged in observing the procedures in the polling stations, the PA and the ODIHR Core Teams are negotiating the Preliminary Post-election Statement. This Statement is then, after a thorough debriefing by parliamentarians, delivered by the CiO appointed parliamentarian, as soon as a preliminary assessment is possible. The Cooperation Agreement also asks ODIHR to consider additional PA contributions for its final report, which unfortunately it does not.

All this makes it very clear that election observation by the OSCE is (or at least should be, we have unfortunately had mixed experiences with this cooperation) a joint undertaking of two OSCE institutions, with a clear and – if followed – reasonable division of labour. Therefore, it is not understandable at all that contributions from the PA to the discussions about what will be considered in this context by the upcoming Ministerial Council are not welcome. I would appreciate very much if at least this letter were to be distributed to the participating States before the meeting. I also reserve my right to answer in writing to some of the comments that delegates might make during the meeting.

Best regards,

Ambassador PA  
September 21, 2006

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