

The Future of the Office for Democratic Institutions and Human Rights

**A personal response to the attack on ODIHR being made by
Russia and Belarus, and in the name of the OSCE
Parliamentary Assembly**

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Addressed to Heads of Delegation to the OSCE Parliamentary Assembly and others

I feel compelled to express my views to fellow Members of the Parliamentary Assembly on the serious threat to the Office of Democratic Institutions and Human Rights (ODIHR). In the decade and a half of its existence it has encountered many obstacles in the course of delivering its challenging mandate to assist OSCE participating States to meet their commitments to democratic governance and human rights, including meaningful democratic election processes. However, in my view, there has never been a more serious attempt to constrain the ODIHR than the present challenge largely emanating from the Russian Federation, with the enthusiastic support of Belarus and some other countries comprising the CIS. This has been a deliberate and coordinated campaign to undermine election observation by ODIHR. A reminder of this threat came just in the last few days, when a CIS Foreign Ministers meeting in Moscow on 8 November, chaired by Belarus, spoke of “adjusting” election observation activities of ODIHR, stating that the “rules and methods used by the ODIHR should be thoroughly examined and approved by all OSCE governing bodies”.

Even more disturbingly, a second front of attack has now been opened up in the campaign to “adjust” ODIHR election observation, and unknown to most, this attack emanates from within, from our own Parliamentary Assembly. This has been a persistent attack launched in the months prior to the July Summer Session. This is not a campaign initiated by national delegations, or aligned with their interests as expressed in Brussels in July. This is a campaign spearheaded from among senior echelons within the OSCE Parliamentary Assembly, and acting on whose behalf is the great unknown.

My interest, commitment, and competence in the field of election observation and democratisation, derives largely from my membership of the PA since its inception. I have held the office of rapporteur and chairman of the First Committee, President and later President Emeritus. I have been Head of 16 Short Term Observation Missions within the OSCE area, either appointed by the Chairman-in-Office or appointed by myself and approved by the CIO during my tenure as President, in most cases to serve as Special Coordinator to lead the short-term observers. Among these include: Russia, Georgia, Ukraine, Albania, Kazakhstan, Bosnia Herzegovina and Kosovo.

My breadth of experience in election observation ranges from within the OSCE region and occasionally beyond, such as the Presidential Election in Algeria in 2004. I am currently writing a book on election observation and democratisation which encompasses a wide variety of international organisations and other institutions such as Non Governmental Organisations (NGOs). In connection with this exercise, I have visited with election commissions, political parties and domestic observers organisations in a number of countries. Very recently I visited the Election Commission, political parties and NGOs in Chile as part of my study. I hope therefore you believe that I speak with some authority on the subject that I am now obliged to write to you about.

In my long experience of representing the PA in election observation I found ODIHR an incredibly efficient, professional, dedicated and transparent body of men and women based at ODIHR in Warsaw. I have visited them on ten occasions and have seen them operating in many countries under difficult and often pressurized circumstances. I have also been greatly impressed by those I have worked with who were appointed by the ODIHR Director to head the Election Observation Missions. I share an admiration for the Core Teams who are appointed for each election and the Long Term and Short Term Observers, in fact everyone associated with ODIHR missions.

I have also been very impressed by my parliamentary colleagues who have undertaken observation missions with me. They bring a political dimension to the process which is essential, and which complements the role of election, legal, political, media, and statistical analysts within the ODIHR effort. The positive and constructive role of parliamentarians within the election observation framework is fully and enthusiastically acknowledged by ODIHR. However, despite the experience we possess as politicians, we can only work effectively with other professional people whose expertise is equally essential.

I wish also to pay tribute to the PA staff that help prepare us for observation missions; they too are professional. This has all been an amazing team effort with each part of the observation totally dependent upon the other component parts. Without such people, ODIHR and the PA would not have achieved what it has achieved so far, catapulting the OSCE to the very forefront of international election observation efforts. I must add that generally speaking we have enjoyed a good relationship with the other Parliamentary Assemblies.

This may sound rather too eulogistic, but I believe it to be true. I would not remotely wish to argue that the ODIHR and PA operation is flawless. Of course, the delivery of its observation methodology has to evolve further. Yet those who wish to undermine what has been achieved are threatening the very existence of what has so far been accomplished.

The Chairman-in-Office announced last February at our Winter Session in Vienna that he was appointing a team, "to monitor the monitors" and this was to be headed by our Belgian colleague, the vastly experienced Mr F X De Donnea who was to be accompanied by other experienced parliamentarians. They have been extremely active and are due to present the result of their study to the Chairman-in-Office very shortly. I have no complaint whatsoever about this process.

Throughout the last couple of years, however, and building into a crescendo in the last few months, there has been a chorus of unwarranted criticism of ODIHR. This criticism has come from both a handful of participating States with little credibility to speak about democratic elections, and from the PA itself. I do not believe any organisation should evade legitimate criticism, yet that criticism in my view falls into two basic categories. First, that which is meant to be helpful, constructive and to resolve legitimate differences and concerns and second, that which is meant to be hostile, damaging and eventually destructive. I fully accept the first category, but I abhor the second.

I am in a privileged position of having worked closely with both ODIHR and the Parliamentary Assembly. I am sure there will be those in CIS states who will view me as hostile to them which is untrue, as my only interest has been to assist them in meeting agreed upon commitments for democratic elections which their respective citizenry deserve. I am equally certain there will be those in the Assembly who will insist that somehow I am uncritical of ODIHR and grossly unfair to the Assembly. That is also untrue. I am seeking as best I can to be objective, and where possible, to reconcile differences. This is with an aim to enhance, not diminish, the effective cooperation that I have witnessed first hand between the ODIHR, the PA, and other parliamentary bodies, acting together within the framework of ODIHR's well tested election observation methodology, and with a proven record of advancing the cause of democratic elections when good will has been exhibited.

Over the years, OSCE ODIHR has developed a renowned election observation methodology, which has permitted it to report accurately on the major trends of every election it has observed. This approach follows the entire election process including the legislative and legal framework, the way the political contest unfolds, the performance of the election administration, the role of the media, election campaign and the implementation of related civil and political rights. The effectiveness of this methodology has not only served the OSCE well, but has been adopted by other organisations including the EU. It does not, as is sometimes believed "certify" elections. Its primary goal is to assess the electoral process against agreed upon OSCE commitments and other international standards, and to suggest recommendations for improvement where necessary.

I deal first with the predictable attacks over the last 18 months or so, principally by Russia and Belarus, supported by some of its CIS partners. I then turn to the hostility to ODIHR from an unexpected source, our own Parliamentary Assembly, or more correctly from a part of it.

Criticism of ODIHR by Russia, Belarus and other CIS countries

It seems obvious to me that Russia, and some of its allies, have been seeking to marginalise, if not severely undermine the ODIHR's excellent work in the promotion of democracy, human rights and the rule of law. By extension, these efforts also serve to undermine the OSCE's rationale as well.

The list of Russian criticisms is long and has been expressed very strongly in different fora. I list some, though not all in any particular order or timing. These criticisms include inter alia:

- 1) Questioning ODIHR methodology which it claims is discriminatory against the CIS members;
- 2) That it lacks transparency, objectivity and professionalism;
- 3) ODIHR, the Russians argue, operates autonomously, free of oversight and control;

- 4) It is said that the Election Observation Handbook goes beyond what should be contained in the manual;
- 5) ODIHR has focused almost exclusively in elections west of Vienna and that election observation should be undertaken in every participating State;
- 6) It is argued its reports and findings should be non-politicised, impartial and concrete. ODIHR's preliminary reports on elections, it is complained, are issued before the election proceedings have been completed;
- 7) It is critical of the work of observers, short term and long term, that there are too few coming from CIS countries;
- 8) They criticise the selection of Heads of Missions;
- 9) ODIHR and its observation missions, it said are inadequately transparent, selection of members is inequitable and should be more transparent;
- 10) It is argued that its funding should be more transparent and accountable;
- 11) They are dissatisfied with the training of observers;
- 12) They are unhappy about collaboration with other international organisations;
- 13) They are unhappy with the fact that English is the working language.

There are variations in different documentation submitted to ODIHR and OSCE. Belarus makes similar criticisms.

The list of complaints I have presented above is not the complete list, but will serve as an illustration of their estrangement from ODIHR, its methodology, personnel and indeed virtually everything. These criticisms are so numerous that one reaches the overwhelming conclusion that ODIHR's practice and methodology is biased and should be changed totally, that the basis of its existence will be rendered superfluous.

I have not sought to refute each of these arguments, most of which are regarded as best mischievous. I am convinced that some of these criticisms reflect a convenient misunderstanding of how ODIHR actually operates. Further, I am sure that some of the points raised may merit some further discussion, and perhaps elements could be incorporated that do enhance the ODIHR's efforts rather than constrain them. For example, Russia and some other CIS states have called for greater efforts to follow election issues in a broader range of OSCE participating States. While it should be kept in mind that fundamental democratic transition in the OSCE region in the past decade and a half has been taking place east of Vienna, and that the ODIHR's original raison d'être and value added follows from this verifiable fact, the ODIHR is already broadening its focus on electoral issues through the deployment of its Election Assessment Missions to long-standing or post-transition countries including:

2002: France, Turkey, USA

2003: Scotland & Wales (UK), Northern Ireland (UK)
2004: Spain
2005: UK
2006: Canada, Italy, USA, Netherlands

Election Assessments in post-transition countries:

2004: Romania; Slovakia
2005: Bulgaria
2006: Bulgaria

However, I do not believe that ODIHR's critics have sufficiently acknowledged ODIHR's efforts in this regard. Unfortunately and fundamentally, I believe that this is due to the fact that the purpose of the criticism is not to be constructive, but destructive.

If the proposals put forward by the Russian Federation and Belarus are accepted by the Chairman-in-Office and endorsed by the national governments of the OSCE, then what remains of election observation is likely to resemble the election observation system undertaken by the Commonwealth of Independent States. That would be to most countries of the OSCE totally unacceptable.

I have had a number of meetings with the leadership of the CIS international observers in ODIHR's various deployments when we are engaged quite separately observing, and I have encountered their views in various conferences I have attended in Russia and Vienna. Much of the so-called CIS methodology as described by CIS officials appears, at a superficial level, to be not dissimilar to ODIHR's. But in reality, as far as can be discerned by the fact that they consistently arrive at different conclusions than the ODIHR, their approach would appear to be quite different and often shrouded in mystery. In the absence of any official and comprehensive public document like the ODIHR Election Observation Handbook which states categorically how findings are arrived at, one could indeed conclude that there is a politicised form of election observation being undertaken in the OSCE region. But it is the CIS, not the ODIHR, that is the culprit. Very little of this so-called election observation practice could be usefully transferred to ODIHR without considerable damage.

I find much of this criticism completely unfounded. I can only guess at its motivation but I would suspect it derives from the fact that ODIHR has been critical of elections, be they Presidential, Legislative, Referenda or other within the CIS region. The CIS states clearly do not want this criticism to persist, and the best way to stop it is to emasculate ODIHR's operations and to make it more like their own usually diluted criticisms of CIS countries, which sometimes embrace elections that have clearly been conducted in flagrant juxtaposition to OSCE commitments. It seems to me they wish ODIHR's observation of CIS countries to be more like their own CIS observation missions.

It is not for me to make a rebuttal of each of the above criticisms. I could, but this is best left to ODIHR. In this context, I understand that Ambassador Strohal's report known as the MC 17 report, has now been conveyed to Foreign Ministers, as well as to President Lennmarker. I will, however, present to you a few of my own personal

comments on why I believe the allegations are unfounded. I have heard and seen what purports to be CIS methodology. From my experience of meeting the CIS personnel, attending conferences with them and seeing their interpretation of elections both they and ODIHR undertake, then I believe a chasm exists between the two organisations and how they operate.

There has been contact between the two organisations particularly when observing in parallel, though independently of each other. Where ODIHR is highly critical, almost invariably the CIS is complimentary. In their reports, if you can find them, the elections 'observed' are usually deemed to be "legitimate, free and transparent" i.e. Uzbekistan (2004).

Another example is the second election in Ukraine that quite rightly was seen by ODIHR in a very critical light, and far more importantly, also by the Ukrainian Supreme Court. This election which was 'won' by Mr Viktor Yanukovich, was invalidated by the Supreme Court, and there was a rerun. The CIS presented an enormous dossier to the Supreme Court in televised hearings. To the CIS very implausibly, this election was "transparent, legitimate and free".

Earlier this year its report on Belarus, a country that has been highly critical of ODIHR and where elections are patently far, far short of anyone's standards, bar its own and the CIS's. The CIS reported quite breathtakingly that "there were individual violations and omission in the process of the election campaign, but they did not have systematic and widespread nature (sic), and therefore did not impact substantially on the expression of the free will of the voters and the result of the vote". It is quite difficult therefore to accept criticisms of ODIHR by the CIS as being serious.

The Russians and the CIS claim that ODIHR has ignored Russian participation in observation missions, but the simple fact is, the very few names are forwarded to ODIHR for CIS participation until quite recently. Quite frankly, CIS countries have not sent many observers along to work with ODIHR, which is sad, as they would learn a great deal from participating. It was only recently that CIS countries have sent larger numbers.

The Russian Federation has chosen of its own free will to invest in a less than credible exercise called election observation as conducted by the CIS. Beginning in late 2005 with elections in Azerbaijan and Kazakhstan, and continuing in early 2006 with elections in Belarus and Ukraine, the Russian Federation did begin to second 10 percent of the total number of ODIHR short-term observers. This has been a welcome development that ODIHR has embraced, although the Russian Federation has yet to fully understand that there are not national delegations within an ODIHR mission; on occasion Russian observers have attempted to offer opinions contrary to ODIHR's overall findings.

ODIHR actually funds CIS nationals and other participating States that have not been in the practice of seconding observers to ODIHR, through an extra-budgetary project that has thus far only been supported by 11 OSCE participating States and the European Commission. The Fund for Enhancing the Diversification of Election Observation Missions has permitted the deployment of some 950 observers from 20 eligible participating States since 2001.

I find the Russian arguments that there should be no statement issued the day after the election, but that a report should be submitted to the Permanent Council for consideration, to be quite self serving. A fundamental tenet of election observation, just as an election process itself, is transparency. The credibility of such reporting will stand or fall on its own merit. The ODIHR is extremely transparent in its reporting, beginning with a Needs Assessment Mission Report, Interim Reports, Preliminary Statements and Final Reports. I also find the Russian argument particularly disingenuous as the CIS is also in the practice of making a statement immediately following election day, although as already mentioned, the basis of findings and questions about whether any methodology was employed gives these statements the flavour of a political statement, rather than an objective report about an election process.

The intention of delaying the report for a month or so is in my view to prevent any spontaneous reaction that might occur after the publication of a preliminary report. ODIHR's job, as mandated by participating States, is to provide an objective report on how an election process is conducted according to OSCE commitments. As the ODIHR Director, Ambassador Christian Strohal, has previously stated, the ODIHR only holds a mirror up to an election and reflects the image, but it does not change the image if you break the mirror. ODIHR cannot accept responsibility for what has been called the 'colour revolutions'. It provides a common reference point for all contestants in an election process, which can be particularly useful in a contested election. The absence of the ODIHR in some of the recent notable elections could have seen the process deteriorate far beyond the exchange of verbal barrage.

If however such a report were ever transmitted to the Permanent Council a long time after the election, then public interest in that election would have abated. Further, should it be suggested that the report be reviewed by the Permanent Council before being issued, this would undermine the successful OSCE formula to date – a clear mandate granted to an institution of the organisation, whose Director is appointed by all participating States, and who is granted autonomy to deliver a potentially politically sensitive mandate in an objective, transparent and professional manner. Furthermore, would such a hypothetical situation be subject to the consensus rule? In other words a country, the subject of a critical report could exercise a veto, and the report would never see the light of day, unless leaked. This would be highly damaging to the OSCE as a whole, and would not effectively assist participating States to meet OSCE commitments.

Russia appears to be arguing that the heads of election missions should be chosen by the Permanent Council, which is an instant recipe to paralyse election observation, and that the Permanent Council should at the end of the day approve those reports. It argues that heads of election missions are chosen by a secretive process. This is not true. A database is maintained by ODIHR and experts can seek to join that list. However, it seems to me they must have relevant experience at different levels of ODIHR election observation and be prepared to promote the principles of ODIHR election observation. Furthermore, as far as I am aware, nobody, including participating States, has been knocking the door down with a reservoir of qualified candidates, who can drop all of their other personal and professional obligations at short notice for 2-3 months at a time.

Russia and its allies frequently complain of the lack of transparency within ODIHR. In my experience the reverse is the case, and if one wishes proof of my statement, then the reader should consult the ODIHR website and see the large number of publications it produces on elections and the observation process. It publishes the report of the Needs Assessment Mission, the documents produced in the run up to an election, the preliminary report and the final report. There is nothing secretive in the way ODIHR operates, in contrast to the CIS. ODIHR has already released 40 election observation and assessment related reports in 2006, in addition to 10 reports that review the election legislation in 10 respective participating States.

Election observation has evolved considerably since the early days of impressionistic statements which focused only on the election day. Knowing well how the system works, I am absolutely confident that with the close liaison it undertakes with other professional election observation organisations, and its commitment to adapt in the light of its own experience, ODIHR will remain at the forefront in election observation. It has recently participated in the preparation and launching at the UN, of a UN sponsored Declaration of Principles and a Code of Conduct for International Election Observers. The participants in this process included practically every credible organisation in the field of election observation, both intergovernmental and non-governmental. Unfortunately, neither the CIS nor the OSCE PA participated in this process.

The Russian strategy of changing observation goes even beyond targetting the ODIHR. Russia recently introduced a new law governing NGOs operating in Russia, both domestic and international. I regret that Russia and its collaborators are not just trying to undermine ODIHR, but those Russian NGOs who engage in the work of democratisation, human rights and election observation. Some of its allies have replicated this strategy. Whilst some of the worst provisions have been deleted following considerable pressure, what remains can still be seen as an attempt to undermine NGOs.

Like Russia and its policy against NGOs, the PA somehow believes ODIHR should not be engaged with NGOs who observe elections and that it has no mandate to work with them. Even a cursory glance at the voluminous documentation produced by ODIHR over the years will see the enormous role attributed to its support of civil society and the NGO movement.

For the ODIHR, the fundamental aspect of civil society is the voluntary participation of citizens in the community life- both local and country-wide – either directly or through organisation or institutions. The extent to which this participation is transparent and effective is a measure of the quality of democratic governance within a given country. Over the past 15 years, the ODIHR has sought to strengthen this participation in line with the OSCE commitments on civil society in general and on NGOs in particular.

(Civil Society and Democratic Governance, OSCE ODIHR Annual Report 2005, p 30)

ODIHR is totally committed to working with NGOs. An impressive network of election orientated NGOs have emerged who play an important part in observing elections. In my experience ODIHR would meet with them during elections, but there is no deployment or coordination with domestic observer groups, nor should there be beyond a frank exchange of views.

I have criticised the critics namely Russia. Others are infinitely more critical on the way elections are organised in Russia and a number of its CIS partners. I refer readers to a book published in 2005 by Yale University Press by a British academic Andrew Wilson, “Virtual Politics - Faking Democracy in the Post – Soviet World”. This could perhaps usefully serve to supplement the ODIHR election observation handbook.

Criticism of ODIHR in the name of OSCE PA

Whilst the Russian criticism of ODIHR has attracted broad public and media attention, criticism of ODIHR by the PA has not yet gained wider publicity. Oblique references can be found in some issue of ‘News from Copenhagen’, particularly emphasising the superiority of parliamentarians in observation. Those attending the proceedings of the Third Committee in Brussels earlier in the year might have deduced the OSCE PA was becoming more critical. Whilst some of the criticisms are worthy of discussion and amenable to sensible compromise and arbitration, I find the majority of criticism incorrect and in some instances bordering on the absurd.

It would be incorrect to argue that the Assembly as a whole shares a responsibility for such fundamental criticisms. The blame rests in my view with those within the Assembly’s senior bureaucratic structure in Copenhagen. Had there been legitimate criticisms which I shall discuss in a moment, expressed in a rational and well argued manner, displaying a willingness for compromise or even arbitration, I would not be writing this document.

However, some of these criticisms attack the very existence of the election observation role of ODIHR. I am in no way arguing that one component part of the OSCE has no right to criticise another, but what has been written and said goes well beyond legitimate boundaries. The timing of the attacks is particularly reprehensible, as they coincide with attacks by Russia and its close partners, indeed the arguments used to undermine ODIHR are in part remarkably similar, echoing an unholy alliance of sorts. That should not imply if two organisations are highly critical, ergo they are both right. In my view quite the opposite is the case.

Let me first discuss what might be deemed legitimate criticisms of ODIHR. I have heard them before. When I was President I set myself three major objectives to be addressed during my two years in office.

- 1) To develop good relations with the OSCE which had reached a particularly low point, largely because of the belief held by the Assembly that it was deliberately denied access to meetings within the OSCE. This has now been substantially remedied.

- 2) To improve relations with ODIHR which were not at that time particularly good, based on building renewed mutual respect for each other, and emphasising to ODIHR the important role that parliamentarians can play in supporting them to deliver their challenging mandate. Relations got much better, but they have since deteriorated to an all time low.
- 3) To raise the importance of the Mediterranean dimension within both the PA and the OSCE.

I believe I was largely successful in achieving these objectives. Unfortunately, relations with both ODIHR and OSCE in general are in urgent need of repair and I believe that the damage done to PA - OSCE relations will take considerable time to be rectified. Strenuous efforts that have been made by Ambassador Nothelle have been undermined by the attack on the fundamentals of ODIHR.

The Secretary General sought to defend me from remarks allegedly made by Ambassador Strohal, blaming me for remarks made after some short term election observations that I headed. Mr Oliver prefers the version of events as delivered by the Russians over that of Ambassador Strohal. I regard Ambassador Strohal as a man of great integrity and I am more prepared to accept his explanation.

The exercise undertaken by our parliamentary colleague Mr De Donnea, on behalf of the Chairman-in-Office to “monitor the monitors” has been criticised for its methodology. I dissent strongly. Our colleagues including the former Norwegian Foreign Minister Jan Petersen has undertaken a very extensive enquiry into election observation. I am confident that the report will reflect insights based on visits to several election observation missions, and interviews with many people on both sides of the parliamentary and non-parliamentary equation.

During my tenure in office as President it was remarkably easy to heal the sores which I found largely to be motivated by personal factors. I ensured that ODIHR was mentioned favourably in the PA press releases following the invitation by the Chairman-in-Office to the PA to provide the Head of the Short Term Observation Missions. ODIHR was more than prepared to reciprocate.

Secondly, the draft of the reports based on the factual information gathered during the course of the observation missions, and put together under the guidance of the Head of Mission with Core Team support, and often coordinated in a collegial manner by the Head of the ODIHR Department Gerald Mitchell or his deputy at the last stages, were usually delivered for consideration by the Parliamentary Assembly the day before the election took place.

The PA considers this was deliberately delayed. I never found this to be a problem. There was time for the Heads of Assemblies to read this draft and comment the following day, and the day of the election. Substantial input could be made and final approval could be given the morning of the publication of the report, that is the day after the election. I suspect any criticisms of deliberate obstructionism would need to be investigated and if found relevant could probably be put down to the deterioration of the relationship. However, it should also be remembered that ODIHR election observation is a fact driven exercise, and OSCE participating States have invested in

its methodology over the last decade to ensure consistent, systematic and objective reports, rather than impressionistic or political statements. At the last stage of an election observation mission, ODIHR and the parliamentarians alike are sitting on a body of fact, and the preparation of statements is largely an effort in checking facts and discussing their presentation.

Relations between the Assembly and ODIHR have been at times exceptionally good, because there was a willingness to work closely together to achieve the larger objectives set by the OSCE. Yes of course there were differences in perspective and opinion, but this never resulted in impasse. These issues have resurfaced and have been the subject of high criticism by the Secretary General and those responsible to him. There has also been criticism by various Heads of Short Term Observation Missions. As I said earlier, these differences are easily resolved with good will, and I desperately hope the new President will be able to recreate greater harmony. There are criticisms that have been made of ODIHR, however, that go beyond the normal arguments within complex organisations, but some of these go well beyond that level of mutual criticism.

But some of these criticisms made go to the very heart of ODIHR, its methodology, competence of its staff, the basis of its mandate and even its right to exist, as other than a support unit for a Parliamentary Assembly-led observation process. It has been argued, bizarrely in my view, that only the PA has the unique competence to undertake the onerous task of observation. We have great experience as Parliamentarians, but others have experience too and we complement each other well. It has not been explained yet where the financial and manpower resources are going to be found and funded if the PA becomes, as apparently it always should have been according to some, the senior partner in observation. What about participating States that are attempting to say that ODIHR observation is politicized, despite the fact that they focus on process, and only comment on the results with regard to transparency and accuracy? Will they be comforted by the concept of parliamentary led observation, and the implicit message that this is a politically driven exercise, rather than an objective and analytical assessment arrived at through a structured methodology and a basket of relevant expertise? Would ODIHR staff be transferred en masse to Copenhagen? How much more accommodation will be required? Will those governments who appear to be less enthusiastic for substantially increasing the existing budget of the PA be prepared to double, triple or quadruple its contributions? Will OSCE transfer the funding currently given to ODIHR to the PA? I doubt it.

We as parliamentarians have an enormous contribution still to make to observation. I say “we” but I suspect the likelihood of me ever being chosen to lead a delegation is zero in the light of my dissent from PA policy at the moment unless it is of course to lead an observation mission to a volcanic island in the South Pacific!

Our administration attributes all the blame for this major dispute on to ODIHR, that they have launched a self serving campaign to portray itself in a greatly exaggerated positive light, in the field of election monitoring. Ironically this could be said of the PA.

ODIHR is blamed by our administration for failing to meet its commitments under the 1997 Agreement. The 1997 Agreement has in fact served its purpose, and forged a de

facto cooperation that has been proven to work. I can say this as Special Coordinator in some very difficult elections during 2003-2005. If the cooperation had not been assured, it would have been a greater challenge to report effectively on these elections. The 1997 Agreement did not transfer the ODIHR mandate for election observation to Copenhagen, nor did it dilute the ODIHR mandate. Rather, it sensibly articulated the most effective manner in which parliamentarians could support the ODIHR to deliver its challenging mandate. The Agreement has overall been a success, and has served its purpose.

The PA have complained about breaches. This includes not inviting the Assembly to participate in Needs Assessment Missions which are deployed some months before deployment of short term observers. Yes, there have been a few occasions when this has happened, often with an explanation, but what the Assembly has been told is one side of a complex argument. There have been many occasions when the Assembly has been invited to participate, but for a variety of reasons has declined.

The Assembly has argued that the majority of reports that ODIHR has written in recent years have been inaccurate and inconsistent and without a mandate. Like the Russian charges, that supposedly claim the ODIHR operates double standards in its election observation. Yet these reports reflect the consensus between ODIHR and the Parliamentary Assemblies, and are based on the collective findings of long and short term observers! Here both the CIS and the PA are feeding off each others' prejudices.

It is alleged, and this apparently is based on research undertaken by the Assembly's interns, more recently known as research fellows; that ODIHR exceeded its mandate and repeating the words of its Russian detractors is guilty both of inconsistencies and double standards. I am aware of the quality of the young interns, but I would like others to verify whether their assessment is valid, as the document that they have produced would appear to demonstrate research skills applied to a misguided initiative, substantially lacking in real world election experience, and not appreciating the scope of the OSCE commitments.

I have heard that the PA historical record of election observation is superior to ODIHR's. I have studied both and find this argument lacking substance.

It has been argued that ODIHR actually has no mandate from the OSCE to observe elections. This is an incredible accusation and appears to be based not only on a personal prejudice, but on a report by the US Congressional Commission (1992).

Anyone who is prepared to take the time to read the very extensive evidence to the contrary, neatly synthesised in volumes one and two of the recently published **OSCE HUMAN DIMENSION COMMITMENTS** will share my view that ODIHR **does** have a mandate. For those prepared to read a vast quantity of other documents produced by ODIHR notably decisions and declarations made after Summits of Heads of State and Government and other endless publications by ODIHR and the OSCE, then this interpretation will be reinforced.

It has been repeatedly stated that it was the 1990 Copenhagen Document that provided the mandate and on numerous occasions subsequently this has been clarified, reinforced and extended. I cite just a few examples to sustain my arguments

that underscore the ODIHR as indeed having a strong mandate to observe elections. It is based on:

- 1) The 1990 Copenhagen Document on the Human Dimension;
- 2) The 1990 Charter of Paris;
- 3) The 1993 Rome Document;
- 4) The 1994 Budapest Summit Document;
- 5) The 1999 Istanbul Summit.

The case for ODIHR having a mandate is overwhelming. I have spoken to some who actually participated in the publication of such authorisation, who testify to the regular updating of ODIHR's mandate. Why therefore is ODIHR's legitimacy questioned in this way?

If there was no mandate why did we continue to participate in election observation, and why did not Russia, Belarus and others refuse to permit this allegedly unauthorised ODIHR observation? CSCE/OSCE has contained within its membership legal experts who apparently ignored the fact there was no mandate? In reality of course they knew of the authorisation. These unsubstantiated attacks are an attempt to severely injure ODIHR and goes way beyond legitimate criticism.

It has been frequently asserted in recent months that the ODIHR staff are not professional in contrast of course to ourselves. In normal circumstances, refuting this ridiculous allegation would be superfluous, but once again it is a destructive argument aimed at the very core of ODIHR's mandate, legitimacy and performance. I have studied numerous CVs and have worked alongside those apparently unprofessional staff at all levels and I can testify to their dedication, integrity and professionalism.

In the early days of election observation, ODIHR was denied sufficient staff, and this was perhaps reflected in these early election reports. However, with an enhanced mandate for long-term election observation following the 1994 Budapest Summit, continuing experience, greater resources in money and manpower and a continuing and evolving methodology based on OSCE decisions, this organisation has become internationally recognised, though not perhaps within parts of our PA headquarters, as representing the 'Gold Standard' of international election observation. My discussions with leaders of other election observation missions throughout the world reinforces my own admiration of the ODIHR staff in Warsaw, its Heads of Missions, its core team members, and the many thousands of volunteers who have been appointed over the years to run elections as Short and Long Term Observers.

I find this criticism of ODIHR's professionalism grossly unfair. I dissent from the view repeatedly expressed by "the Assembly" that only Members of Parliament can really understand elections and are the only ones capable of mounting an observation mission. We who are elected have and will make an outstanding contribution to the observation process, but I submit so can other participants selected by ODIHR, as full time and contract employees as well as Short Term Observers. They are chosen in different ways by national governments, and I have so far received detailed responses from some twenty national governments on how their secondees are selected to be Long Term Observers (LTOs) and Short Term Observers (STOs) and how they are

trained. I can certainly see a case for more training and this could perhaps be extended to Members of Parliament. I am informed that the ODIHR is now launching a periodic training program to reinforce national efforts in this regard.

The parliamentary and ODIHR teams are a mixture of the very experienced and sometimes the less experienced, but normally with a reasonable degree of comparative election observation experience within the group. They include a large number of professional election administrators (current and retired), former diplomats, representatives from NGOs, specialist journalists, lawyers, political scientists including academics who specialise in the country or region in the area being observed, and a vast number of others with appropriate specialist backgrounds and commitment. It takes a particular kind of dedicated person to spend a week with a small per-diem allowance, and accommodation often well short of five star standards. Then to be criticised for their commitment is grossly unfair. It is an insult to state that they can't comprehend what they are doing. No doubt there are some who may not meet the very high standard, but they are unlikely to be repeat offenders.

Members of Parliament undoubtedly add value to observation, and as a senior OSCE parliamentarian, usually the President or Vice President is sufficiently experienced to undertake the difficult task placed on him or her. Many of our parliamentary colleagues are vastly experienced. But we have to be honest that there are some who are less than dedicated and there are a few "electoral tourists", but not many. I regret quite a few do not fill in the complicated forms they are asked to complete, and far from everyone has the stamina or will after a long days' observation at polling stations, to attend and observe the counting of the votes locally or regionally. I am embarrassed to say quite a few don't attend the briefings given by ODIHR, and parliamentary and other commitments only permit them to arrive shortly before the date of the election.

I am sure some who are in disagreement with what I have written will take these remarks out of context and portray them as being anti-Member of Parliament's as observers. From long experience, I am attempting to portray reality and not a selected version of reality. Parliamentarians are central to the election observation process and will remain so, but so are the other dedicated men and women who have not served as elected members, although I know in quite a number of cases former deputies who have retired or lost elections enrol as short term observers. I would certainly like to see MPs who volunteer to be given some form of training even though some believe this to be unnecessary.

I share the view frequently expressed that we, the parliamentary observers, are true ambassadors of democratic institutions, given that they are themselves directly elected public officials. But others can be proud of their contribution who have not had the privilege of being elected.

The ongoing critique of ODIHR is in my view largely erroneous, and takes the focus away from the fact that we are still witnessing sub-standard and even fraudulent elections in the OSCE region too frequently. However, these issues are currently being raised and discussed, and with enough goodwill, I hope they will be resolved satisfactorily. What I profoundly object to is criticism of another OSCE institution by elements within the PA which goes beyond all parameters of constructive and

reasonable discourse. It is so obviously an attempt not just to undermine ODIHR in its vitally important role of election observation, it is a serious effort to totally undermine it and destroy it with the intended outcome of replacing OSCE's election observation role via the Parliamentary Assembly.

The consequences of the endeavour, in my view, will be of long lasting deterioration. This is not only with regard to our continuing cooperation with ODIHR, but will also seriously damage our relations with the OSCE itself. To choose this time to make such an attack on ODIHRs very existence as election observers, whilst Russia and Belarus and some others are engaged in a similar but ironically not so potentially destructive campaign, is in my view shameful, damaging to both our organisations, and to the OSCE in general.

Cooperation between ODIHR and the PA has been fruitful and beneficial to election observation and has largely followed the 1997 Agreement. I hope that despite the fractious relationship of late, that good relations can be re-established. This will require a great deal of fence-mending with the help of an intermediary. It is imperative in my view that this happens, and that the good work is continued. This will not be achieved simply by enhancing ODIHR-PA relations. Should too many concessions be made to Russian and Parliamentary pressure, then in my view, irreparable damage will be done to election observation and the OSCE will be rightly mocked for its surrender.

In conclusion, I very much hope that our parliamentary colleague Mr F X De Donnea's report to the Chairman-in-Office will be useful to him as he navigates the forthcoming Ministerial Meeting in Brussels along with all participating States, and will reach conclusions that will exonerate ODIHR of some of the ludicrous attacks upon it, from both Russia, and closer to home, the PA. I hope that the MC 17 report will also serve as a basis to further ODIHR's work in a manner that truly enhances its work rather than constraining it.

No doubt it will recommend some improvements and changes and I trust seek to bring about some reconciliation between ODIHR and the PA. ODIHR is one of the "jewels in the crown" of the OSCE process. The idea promoted by the Assembly that the PA should be substituted for ODIHR as the organisation responsible for the conduct of election observation should be disposed of appropriately. We must remain a major participant in the OSCE framework of election observation. We are strongest when we work together. To delude oneself that our role is superior to ODIHR and they should play a secondary role is moving well beyond the realms of reality. We **both** have our own skills and experience that should complement each other. To strive for Parliamentary hegemony is a fantasy that is unattainable. The 1997 Agreement was a very good deal for the Assembly. I will strongly argue that both parties should live up to the agreement. If it is renegotiated, the PA could well come out a poor second. ODIHR contributes very, very substantially to election observation and democratisation. To try to devalue its role, with the intention of destroying or undermining it, would not in my view be in the interest of either organisation, and certainly not to the OSCE.