



Organization for Security and Co-operation in Europe
PARLIAMENTARY ASSEMBLY
Vienna Office

Delegations
of the OSCE participating States

04/10/2006

Briefing on election-related activities of the Parliamentary Assembly
Documents

Dear Colleagues,

Following the invitation for the Friday meeting, here are some documents that will hopefully be helpful in preparing for the meeting.

In particular, I would like to draw your attention to the highlighted elements in the excerpts from the Istanbul Summit declaration and from the 1997 Cooperation Agreement, which clearly show that OSCE election observation was meant to be a joint exercise of the Parliamentary Assembly and ODIHR, not only on the day of the election, but from the start until the end of the observation. They also do not leave any doubt about what should be the division of labor between the two institutions, who leads the OSCE short term Observer Mission and delivers the preliminary statement, and who is the on-site coordinator for the Long Term Observers. Finally, they underline that the special relationship between the two institutions, which is different from that to other parliamentary observers, calls for a constant, direct and unfiltered flow of information between the two, for example from the LTOs, without requiring ODIHR to wait until other participants are ready to receive this information. In this context, the the attached report about his related experience in Montenegro that Vice President Soares has provided President Lenmarker might equally be of interest to you.

Looking forward to constructive discussions, I am

Sincerely yours

A handwritten signature in black ink, appearing to read 'Andreas Nothelle', written in a cursive style.

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Report on the OSCE/ODIHR's Reports Issued in the Field of Election/Referendum Observation Since November 2004

30 August 2006

Prepared by the Research Fellows of the
OSCE Parliamentary Assembly International Secretariat

Summary

In this report, we analysed the ODIHR's recommendations¹ and, more generally, the ODIHR's criticisms throughout the reports within the framework of election assessment in terms of their compliance with the OSCE Commitments (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE – the "CSCE Copenhagen Document") and other international standards for democratic elections and domestic law.

The following are some examples of ODIHR reports that go beyond their mandate, including inconsistencies and double-standards. We analysed eighteen (18) reports spanning from the November 2004 American Presidential and Congressional Elections to the May 2006 Montenegrin Referendum. After careful analysis, it appears that fourteen (14) of these reports contained inconsistencies and recommendations without legal basis in light of the ODIHR's mandate related to the Copenhagen Commitments.

Distinction must be made between reports issued in the framework of Election Assessment Missions (EAMs) and Election Observation Missions (EOMs). Election Assessment Missions typically only deploy a Core Team of 10-12 staff under the supervision of a Head of Mission to be present for

¹ Generally, the recommendations section is found in the last chapter of ODIHR's reports.

roughly 2 weeks prior to the election. EAMs do not deliver a preliminary statement; however, they do release a “Final Report” some weeks after an election. Election Observation Missions implement a more extensive process of deploying a Core Team months prior to an election and using Long Term Observers (LTOs) and Short Term Observers (STOs) to monitor different regions before and during an election. EOMs release a “Statement of Preliminary Findings and Conclusions” on the day after an election followed with a “Final Report” a few months later.

Out of the eighteen (18) reports covered, only three (3) were issued by Election Assessment Missions and they were assessing elections in countries located West of Vienna (United Kingdom, Canada, and Italy). The only symbolically chosen Western country subject of an Election Observation Mission was the United States of America. Recently, the ODIHR decided to send an Election Assessment Mission to the November 2006 American mid-term Congressional Elections despite the events of the 2000 Presidential Elections. At this time and in light of Florida's razor-thin ballot count, Congressman Alcee L. Hastings, President Emeritus of the OSCE Parliamentary Assembly, declared that African-American voters “suffered serious infractions and irregularities and disparities. And the fact is that – if nothing more – the residual from this should be election reform.”²

The general attitude of the ODIHR in its electoral observation activity decision is giving strong arguments to the countries located East of Vienna complaining about double-standards in election observation.

² CNN, 6 January 2006,
<http://cnnstudentnews.cnn.com/2001/ALLPOLITICS/stories/01/06/electoral.vote/>

1. SOME SPECIFIC CRITICISM FOUND IN SEVERAL ODIHR REPORTS

1.1 The Case of Domestic Non-Partisan Observers

The most common unjustified recommendation concerns domestic non-partisan observers. Such recommendations can be found in eleven (11) reports. They all call for providing, or facilitating access, to the electoral process to domestic non-partisan observers:

In the Final Report on the United States of America Presidential and Congressional Elections on 2 November 2004, the following criticism was made: *“In a number of states, there are no provisions regarding domestic non-partisan observers. At times, contrary to the concept of non-partisan civic participation, they must adopt party affiliation in order to gain access. Lack of observer access to the election process, both international and domestic, including at polling station level, is contrary to OSCE commitments.”*

The ODIHR’s Final Report on the Parliamentary elections of 27 February and 13 March 2005 in Tajikistan stated: *“The law should be amended to provide for domestic non-partisan election observers.”*

Taking the example of the Ukrainian Parliamentary Elections of 26 March 2006 and 23 June 2006, the OSCE/ODIHR issued a Final Report on these elections. This Report made recommendations for consideration by the Ukrainian authorities. These recommendations include in section A (**A. ELECTION LEGISLATION AND ADMINISTRATION**) a point 20 on “national non-partisan observers”:

20. National non-partisan organizations registered for observing the elections should be formally granted by the law the right to be present at CEC sessions.

In addition, the OSCE/ODHIR claims that *“Implementation of long standing OSCE/ODIHR recommendations resulted in legislative provisions for domestic non-partisan observers to be formally accredited by the CEC.”*

Only two sources can justify such recommendations:

- The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (the "CSCE Copenhagen Document")
- The Domestic Law of the country concerned

There are no provisions for domestic non-partisan Observers in the "CSCE Copenhagen Document."

Paragraph 8 of the Copenhagen Document states:

(8) The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.

No specific mention is made about domestic non-partisan observers; no definition exists about what a domestic non-partisan observer actually is. The Copenhagen Document **does not justify** the OSCE/ODHIR recommendations about domestic non-partisan observers.

There are no provisions in the Ukrainian domestic law.

The relevant law is the "Law of Ukraine on Elections of People's Deputies of Ukraine" of 7 July 2005 in article 74:

Article 74. Official Observers

1. Official observers from parties (blocs) that are subjects of the election process may take part in the election process. An official observer of a party (bloc) shall be an independent subject of the election process.
2. Official observers from non-governmental organizations shall observe the election process under the procedure stipulated by this Law.
3. Official observers from foreign states and international organizations may observe the election process.

4. Authority of official observers shall start on the day of their registration by a respective election commission under the procedure stipulated by this Law and shall terminate after the Central Election Commission establishes results of the elections of deputies.

5. An election commission which registered an official observer may early terminate his or her authority if he or she violates the laws of Ukraine. A motivated decision shall be passed about the early termination of authority of an official observer.

Political parties or blocs of political parties (Art. 74.1), **non-governmental organizations** (Art. 74.2), foreign states and international organizations (Art. 74.3) are entitled to appoint its observers³.

No specific mention is made about domestic non-partisan observers. The domestic law **does not justify** the OSCE/ODHIR recommendations about domestic non-partisan observers. In the 56 OSCE countries, no laws exist with provisions for domestic non-partisan observers, except in the Russian Federation and Uzbekistan where their presence is forbidden⁴.

1.2 The Vote “Against All” Option

A major inconsistency of the reports is found in the criticism made regarding the option to vote “against all” that some of the OSCE countries offer to their voters. The Final Report on the Ukrainian Presidential Elections of 2004 that led to the “Orange Revolution” seems to ignore the differences of cultures of voting within the OSCE area. Without providing for any legal basis, the report recommends the removal of the option to vote “against all” because the OSCE/ODHIR considers that “*as a matter of principle, voters should be encouraged to vote for their preferred candidate or party.*”

The ODIHR’s Final Report on the Parliamentary Elections of 27 February and 13 March 2005 in Tajikistan stated: “*Consideration should be given to changing from a negative to a positive system of marking ballots, i.e., to marking ballots in favor of a candidate or party rather than striking out the names of all candidates and parties not selected. The option to vote*

³ See Law of Ukraine N2777-IV of July, 7, 2005 “On Amendments to the Law on Elections of People’s Deputies of Ukraine”, http://www.cvk.gov.ua/laws/vib_ndu_2006.htm

⁴ Report on Electoral Law Comparison for OSCE Member States, Prepared by the Research Fellows of the OSCE Parliamentary Assembly, 14 June 2006 (available at the International Secretariat in Copenhagen)

“against all” candidates or party lists should be removed from the law, thereby ensuring that voters take responsibility for the body which is being elected.”

The Final Report on the Belarussian Presidential Elections of 19 March 2006 also criticises this tradition: *“Consideration should be given to removing provisions allowing a vote “against all”, as elections are about representation, and the “against all” option is therefore difficult to reconcile with a standard definition of representative democracy.”*

The ODIHR’s Final Report on the Parliamentary Elections of 26 March 2006 in Ukraine stated: *“Only ‘valid votes’ should be taken into consideration in determining the outcome of any election, since invalid and votes “against all” fail to express any distinct political choice.”*

The OSCE/ODIHR seems to ignore the differences of cultures of voting within the OSCE area and **makes arbitrary recommendations without legal basis** in the Copenhagen Document. It tries to apply Western standards of voting (in this case the absence of vote “against all” option in countries West of Vienna) to Eastern electoral traditions that do not substantially endanger the electoral process.

Moreover, the recommendations do not take into consideration the Belarus domestic situation. In Belarus, where an authoritarian regime is in place and political pluralism is limited, non-participation in the elections and voting for the “against all” candidate are potentially the only option to show opposition to the current regime. It represents a window of opportunity for the opposition to challenge the current regime through the elections, and for others to show their discontent with current policies. In light of this, abolishing the “against all” vote could further decrease the quality of elections in Belarus.

1.3 The Turnout Requirement

In a couple of reports, criticism is made of turnout requirement for valid elections, even if this is only a matter of national legislation.

The ODIHR's Final Report on the Parliamentary Elections of 27 February and 13 March 2005 in Tajikistan stated: "*Consideration should be given to eliminating the 50 per cent turnout requirement for elections to be valid.*"

The Final Report on the Belarussian Presidential Elections of 19 March 2006 also criticises this legal requirement: "*Consideration should be given to abolishing the 50 per cent turnout requirement particularly in a second round election (Election Code, Article 80), as it can result in a cycle of failed elections and could invite electoral malfeasance.*"

Turnout requirements are used in other OSCE countries, such as Russia. For the Russian Presidential election to be valid, a minimum turnout of 50 per cent of the electorate is required (Article 76.4 of the Russian Federation Federal Law of 10 January 2003 No. 19-FZ "On the Election of the President of the Russian Federation" – previously Article 72.4 of the Law on Elections of the President of the Russian Federation, 1999). Failing this, a repeat election must be held within four months applying the same rules as in the first election, including the requirement for a 50 per cent turnout (Article 78.3).

We can underline that the turnout requirement for the Presidential Elections of Russia of 26 March 2000 was not criticized in the OSCE/ODIHR's Statement of Preliminary Findings and Conclusions for these elections nor was it in its Final Report issued on 19 May 2000.

Taking again the example of Russia, Article 83.2 of the Federal Law No175-FZ on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation of 20 December 2002 states: "*A district electoral commission shall declare the election in the given single-seat electoral district not to have taken place if less than 25 percent of the voters included in the voters lists took part in the election by the end of the voting time*".

No specific mention is made by the OSCE/ODIHR's Final Report on the elections to the State Duma of the Russian Federation of 7 December 2003 issued on 27 January 2004.

The OSCE/ODIHR is not applying uniform criteria to its election observation activity. The turnout requirement is criticised in one country while a similar legislative point will be free of criticism for another country.

2. SOME SPECIFIC CRITICISM OF ODIHR REPORTS

2.1 The Poll Workers

In the Final Report on the United States of America Presidential and Congressional Elections on 2 November 2004, the ODIHR recommends to the U.S. authorities that there is a need “*for an influx of new poll workers and for efforts to broaden the appeal of this key task as well as the need to increase the number of poll workers*”.

In the Final Report on the Parliamentary Elections of 27 February and 13 March 2005 in Tajikistan, the ODIHR recommends that: “*The law should be amended to provide for election commissions that are truly independent from government and that are sufficiently inclusive and pluralistic to ensure broad confidence in their work. Registered political parties should be represented on commissions at all levels and self-nominated candidates should be represented meaningfully at the DEC and PSC levels. **Persons holding State or local government positions should not serve on DECs.** The regular employment and political party affiliation of all election officials should be publicized.*”

While the Copenhagen Document could be interpreted that free elections need effective election commissions that are truly independent from government and sufficiently inclusive and pluralistic, the Copenhagen criteria do not provide sufficient information on who should or should not be a member of election commissions nor do they specify on how many poll workers are needed in electoral polling stations.

As a consequence, the OSCE/ODIHR **is not competent** to decide on which individuals should or should not be part of the composition of election commissions; this should be up to each individual country according to their own practices and traditions.

2.2 Provisions on Election Campaign Financing

Recommendation 7 of the Report on the Parliamentary Elections in Uzbekistan of 2004 questionably recommends that: “*The provisions on election campaign financing should be reviewed. Candidates should be free*

(...), within limits and according to procedures established by the CEC, to benefit from external contributions.”

The Copenhagen Document does not have any provision that requires allowing external financing of political parties. Indeed, the legislation of many OSCE countries, such as the United States of America, Bulgaria, Croatia, Estonia, France, Georgia, Iceland, Ireland etc, prohibits receiving external donations.

2.3 Foreign Funding for Election Observation

The ODIHR's Final Report on the Parliamentary elections on 27 February 2005 in Kyrgyzstan stated: *“It is recommended that paragraph 1 of Article 50 be amended to ensure that the prohibition on foreign funding cannot be applied to preclude international or domestic organizations from full engagement in support of observation activities, including the training of observers, deployment of personnel, compilation of data, fact finding, and subsequent analyses and reporting.”*

None of the points under the Copenhagen Document require that countries must allow foreign funding to international or domestic organizations for the purposes of observation, training of observers, deployment and analysis. Therefore, the recommendation is not justified under the auspices of the Copenhagen Document. In addition, such recommendation would go against the laws of many countries which prohibit foreign funding of electoral activities.

2.4 Conditions to Voting Eligibility

With reference to suffrage, the ODIHR's Election Assessment Mission Report on the Parliamentary Elections of Canada on 23 January 2006 recommends *“the five year legal provision for Canadians living abroad to be reconsidered.”*

Article 11 (d) of the Canada Election Act (2000) states that *a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident may vote.*

On the other hand, the OSCE Copenhagen Document requires the guarantee of universal and equal suffrage to adult citizens (Paragraph 7.3).

However, the Copenhagen Document does not have any provision that states how many years are required to forfeit the right to vote when a Canadian resident lives abroad for a period of consecutive years. Therefore, the OSCE/ODHIR **is not competent** to recommend the reconsideration of this article.

2.5 Format of Electoral Legislation

In the Assessment Mission Report on the Parliamentary Elections of Italy in 2006, the OSCE/ODIHR recommends the following: *“It could be useful for the legislature to adopt or have published a single, integrated and consolidated text of election legislation, which would **enhance the accessibility of election legislation** to voters, candidates and general public, and simplify the implementation for election administrators.”*

Paragraph 5.8 of the Copenhagen Document states that *legislation, adopted at the end of a public procedure (...) will be accessible to everyone.*

Although the Italian legislative framework for election is comprised in a plethora of legislation (Constitution and over 60 laws and decrees), **this legislation is accessible to citizen.** This is also the case in many other countries, including the United States of America.

2.6 Voting from Abroad

The ODIHR’s Election Assessment Mission Report on the Parliamentary Elections of Italy on 9-10 April 2006 stated: *“The application of preference voting for out-of-country voters grants them somewhat broader rights than their compatriots inside Italy, and may need to be addressed by the new parliament.”*

This recommendation does not relate to the Copenhagen Document nor to the domestic law.

2.7 Timing in Electoral Law Amendment

The OSCE/ODIHR often criticizes amendments to the electoral legislation shortly before elections.

In the Assessment Mission Report on the Parliamentary Elections of Italy in 2006, the ODIHR stated: *“The new parliament should seek a broad consensus on any future changes to the electoral legislation and should avoid making changes shortly before elections.”*

The ODIHR’s third Interim Report on the Parliamentary Elections of 26 March 2006 in Ukraine stated: *“As noted in the Joint OSCE/ODIHR - Venice Commission’s ‘Opinion on the law on elections of people’s deputies of Ukraine’, a ‘freezing clause’ to exclude changes to an electoral law for a certain period ahead of an electoral event is recommendable.”*

However, this is not always the case. When the OSCE/ODIHR likes the new law, it will praise an electoral reform taking place in the middle of an electoral process.

In the Statement of Preliminary Findings and Conclusions on the Ukrainian Presidential Elections (Repeat Second Round) on 26 December 2004, the ODIHR declares that: *“Amendments to the election legislation were adopted by Parliament on 8 December. However, these are temporary and are effective only until a new President assumes office. While it is unusual that election legislation be amended during the course of an election process, apparently, the aim of the Parliament was to lessen the scope for the type of fraud that occurred on 21 November and remedy deficiencies in the election administration to avoid a repetition of the same violations on 26 December.”*

If a new law is criticized because of the timing, this should not depend on the OSCE/ODIHR’s perceived positive or negative evaluation of the law.

2.8 Age Limitation

The ODIHR's Election Assessment Mission Report on the Parliamentary Elections of Italy on 9-10 April 2006 stated: *"In view of the authority of the Senate with regards to the approval of the government, the new parliament should consider the question of granting equal voting rights to all citizens who have reached the age of majority."*

The Constitution provides that all adult citizens at age 18 are entitled to vote, but it limits the right to vote for the Senate to citizens who are at least 25 years old.

The Copenhagen Document requires the guarantee of universal and equal suffrage to adult citizens (7.3). The universal suffrage covers both active and passive electoral rights.

According to the Venice Commission's "Guidelines for Elections"⁵ of 2002 (CDL-AD (2002) 13), universal suffrage means in principle that all human beings have the right to vote and to stand for elections, although this right may be subject to certain conditions. The voting age must at least confer the right to vote. A higher age may be laid down for the right to stand for election but this should not be more than 25 except where there are specific qualifying ages for certain offices (e.g. member of the upper house of parliament, Head of State).

Therefore, the OSCE/ODHIR is **not competent** to recommend the reconsideration of this age limit to vote for the election at the Senate.

⁵ This document is in use by the ODIHR to assess electoral laws. See OPINION ON THE LAW ON ELECTIONS OF PEOPLE'S DEPUTIES OF UKRAINE by the Venice Commission and OSCE/ODIHR (CDL-AD(2006)002), 20 January 2006, page 4

CONCLUSION

In light of this analysis, it appears that most of the reports issued by the OSCE/ODIHR since the November 2004 American Presidential and Congressional Elections contain inconsistencies and recommendations without legal basis and which go beyond ODIHR's mandate. The implementation of double-standards by the ODIHR in its electoral observation activity is confirmed. Whether these inconsistencies are the expression of the authors' personal opinions or the expression of a political design is a matter of interpretation.

CO-OPERATION AGREEMENT

BETWEEN
THE OSCE PARLIAMENTARY ASSEMBLY
AND
THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND
HUMAN RIGHTS

Since the establishment of the OSCE Parliamentary Assembly and the OSCE Office for Democratic Institutions and Human Rights following the Charter of Paris, both OSCE Institutions have engaged in various aspects of election assistance and observation. Experience has shown that it is both practical and desirable for these two OSCE Institutions to work more closely together on election projects. While the OSCE P A has engaged almost exclusively in the observation of parliamentary elections by short-term observers, the ODIHR has engaged in election assistance, long-term assistance, long-term observation and short-term observation of presidential, parliamentary and municipal elections, as well as referendums. In order to avoid overlap, redundancy, unnecessary expense and confusion it is agreed that the following procedures will be undertaken to enhance the capabilities and effectiveness of both of these OSCE Institutions in the future;

The Needs Assessment Mission

The ODIHR, in consultation with the OSCE PA, will initiate a preparatory Needs Assessment Mission prior to a long-term election observation. This will provide the ODIHR and the OSCE PA with a common reference point when embarking on an election observation project. The OSCE PA may send a representative on the Needs Assessment Mission if the OSCE PA wishes to do so and deems such participation to be appropriate. In any case, the ODIHR will inform the OSCE PA of the results of the Needs Assessment Mission.

The needs assessment will take into account any previous reports by the ODIHR and the OSCE PA regarding the country concerned, including progress made on any recommendations. Such missions will also assess the extent, needs and context of the observation and should serve to establish an early dialogue with the national election authorities.

Exchange of Information

Regular field reports from the ODIHR On-site Co-ordinator and long-term observers will be sent to the OSCE P A. These reports will include information about the conduct of the political campaigns, the role of the media, and the main issues of the campaign, as well as information about the candidates and political parties participating in the election process. In addition to these reports, the On-site Co-ordinator will provide copies of election laws and all relevant information on the election administration to the OSCE P A for inclusion in the briefing materials that the OSCE P A will prepare for the short-term observers. The International Secretariat of the OSCE P A will prepare briefing books well in advance of the election for distribution to short-term observers. Such materials will be shared with the ODIHR On-site Co-ordinator

(each observation mission will have one person specifically charged with the co-ordination of briefing materials) for the benefit of all observers.

The OSCE/ODIHR will inform the OSCE P A of the names and schedules of the short-term observers as well as the participating states willing to send such observers. The OSCE P A will provide the same information to the OSCE/ODIHR and to the On-site Co-ordinator. This information will be shared in advance as soon as information on short-term observers is received by both the ODIHR and the OSCE P A.

Observer Briefing

Recognizing that it is often difficult for parliamentarians to arrive in time for the OSCE/ODIHR general observer briefing, ODIHR will assist the OSCE in providing a separate subsequent briefing for parliamentarians whenever necessary. The OSCE/ODIHR On-site Co-ordinator, as well as when possible some long-term observers, will participate in the briefing. It is understood, however, that this briefing should not be a substitute for the provision of the continuous flow of information from the On-site Co-ordinator and the long-term observers to the OSCE P A for inclusion in the briefing books.

Logistical Support

Since the OSCE/ODIHR On-site Co-ordinator and long-term observers are in the field well in advance of the OSCE P A short-term observers, the OSCE/ODIHR will be in a position to assist the parliamentary observer delegation with critical logistical support, including identifying hotels or other accommodation and the engagement of cars, drivers and interpreters. This information will be provided to the OSCE P A in a timely manner in order that participating parliaments may be informed of the conditions and costs of sending short-term observers. In addition, the OSCE/ODIHR On-site Co-ordinator will provide a security assessment to the OSCE P A and make arrangements for the provision of such security as may be necessary for short-term observers participating in the election monitoring project.

The ODIHR also recognizes the fact that the OSCE P A, being a parliamentary body with short-term observers, cooperates closely during its election monitoring with the local Parliament's staff as regards the preparation of a pre-election programme and logistics. The exchange of information between the ODIHR and the OSCE P A on programme co-ordination and existing logistical arrangements will be mutually beneficial. The OSCE/ODIHR may make suggestions for the programme of the OSCE P A observers but will not interfere with or attempt to change or alter the OSCE P A programme without prior approval of the OSCE P A International Secretariat.

Deployment

With the objective to establish an integrated deployment plan, the ODIHR will inform the OSCE P A in advance about its deployment suggestions and recommendations. The OSCE/ODIHR On-site Co-ordinator will provide the OSCE P A with a detailed deployment plan well in advance of the arrival of short-term observers. In order that the OSCE P A may determine the manner in which their observers will be deployed it is desirable that short-term observer groups co-ordinate their observation activities in an overall deployment plan, in order to avoid duplication and to maximize overall efficiency. Organizations which send larger numbers of observers to participate in an overall effort may need to have their members

distributed across a deployment plan, in order to meet the specific interests or needs of their organization as a whole.

OSCE Special Co-ordinator

The OSCE Chairman-in-Office may designate a political figure as a Special Co-ordinator to lead the short-term OSCE observer mission. This political figure should normally be the President of the OSCE PA or an OSCE PA senior official recommended by the OSCE PA in consultation with the Chairman-in-Office. This Special Co-ordinator will work closely with the OSCE/ODIHR On-site Co-ordinator and will deliver the preliminary post-election statement in conjunction with other appropriate officials. In the event that other international parliamentary bodies are strongly represented in the short-term observer mission, the Special Co-ordinator may designate a Co-Chair or Co-Chairs of the observation mission, as appropriate.

Briefing and De-briefing

Whenever possible, common briefings and de-briefings for all observers should be organized jointly by the OSCE P A staff and the On-site Co-ordinator. It is understood, however, that the OSCE P A will have its own internal de-briefing prior to the common de-briefing for all observers. Such separate preliminary debriefings may also be convened by other international parliamentary bodies or special groups of observers. The OSCE/ODIHR On-site Co-ordinator and other OSCE/ODIHR officials will normally be expected to attend and participate in such preliminary de-briefings. The Special Co-ordinator or other OSCE P A senior official will be expected to remain until the full de-briefing has taken place (within 24-48 hours).

The Preliminary Post-Election Statement

The preliminary post-election statement will normally be made on the afternoon following the election. This represents a compromise between the time constraints on parliamentarians requiring an early departure, and the technical needs of the ODIHR which often require 24-48 hours after election day for a full de-briefing and the comprehensive assessment of statistical data and vote count process. In the event that the Special Co-ordinator is not the President of the OSCE P A or a senior official, the OSCE P A will reserve the right to issue its own independent statement based on the observations of the delegation from the OSCE Parliamentary Assembly.

Final Report

The ODIHR and the OSCE P A will submit to each other preliminary drafts of their final reports for comment. While the ODIHR and OSCE P A reports may emphasize certain aspects of the election process in more or less detail, they should try to avoid direct contradictions without at the same time compromising integrity of their independent observations and conclusions. It would be helpful if the reports could contain agreed upon recommendations from both the ODIHR and the OSCE PA.