

“With the spread of the “color revolutions” across Europe and Eurasia, domestic and international election observers have found themselves facing increasingly sophisticated forms of obstruction at the hands of rulers eager to avoid a similar fate. To counter these threats and protect the integrity of their field, a number of leading organizations—including the United Nations, the National Democratic Institute for International Affairs, and the Carter Center—launched a global initiative in 2005 to define professional standards of conduct in international election observation.

In response to the initiative’s stated principle of strict impartiality and its call for more systematic implementation of a wide range of techniques—parallel vote tabulation (PVT), statistical analysis of precinct-level data, interactive mapping, media monitoring, and long-term observation—the field of election monitoring has become more effective, professional, and transparent. Areas for improvement, however, still remain. Key actors should: (1) promote coordination to prevent obstructions against election observers; (2) develop better warning and response systems to deal with electoral violence; (3) clarify the difference between exit polls and parallel vote tabulation; and (4) improve the public and media’s understanding of nonpartisan election observation. As authoritarian regimes innovate their methods of electoral fraud, so election monitors must redouble their efforts to ensure that free and fair standards prevail. ”



—Peter Novotny, January 28, 2010

THE BACKLASH AGAINST ELECTION MONITORS:

How the Profession Can Respond

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Presentation Overview

- I. Introduction: Key Actors, History, and Goals
- II: Election Cycle and Methodology
- III: Color Revolutions and Backlash
- IV: Reaction of Domestic Observers
- V: Parallel Vote Tabulation (PVT)—Concept and Method
- VI: Global Initiative—Declaration of Principles
- VII: Challenges and Areas for Improvement
- VIII: Conclusion

Quotes on Elections

- “It is enough that the people know there was an election. The people who cast the votes decide nothing. The people who count the votes decide everything.”

—Joseph Stalin

- “The last presidential elections were rigged; I already told this to the Westerners. 93.5% voted for President Lukashenko. They said it's not a European number. We made it 86%. This really happened, and if we start recounting the votes, I don't know what to do with them.”

—Aleksandr Lukashenko

I. Introduction:

Key Actors

- International nonpartisan observers
- Domestic nonpartisan observers
- Local party-affiliated observers
- Other observers

Election Monitoring: A Brief History

- 1st Generation, 1960s–80s: Ad hoc observation concept, symbolic presence
- 2nd Gen., 1980s-90s: Election observation boom
- 3rd Gen., present: Observation beyond election day
- “War of Observers” in OSCE region
- Landmark 2005 Declaration of Principles for Election Observation and Code of Conduct

Domestic Nonpartisan Observers

- 1986: First domestic election watchdog in Philippines
- 1980s: Local election-watchdogs in Latin America
- 1990s: Domestic observers in Central/Eastern Europe
- Present: Local observers worldwide (NDI assisted 300+)
- International organizations recognize important role of domestic nonpartisan observers

Goals of Election Monitoring

- To objectively assess election process
- To safeguard its integrity by deterring electoral fraud
- To instill public confidence in election process
- To verify official results
- To help mitigate conflicts
- To improve the quality of the election process

Specific Goals for Nonpartisan Domestic Observer Groups

- Engage high number of citizens in safeguarding election integrity
- Educate citizens on voters' rights & election process
- Protect voters' rights
- Actively promote grassroots volunteerism
- Strengthen democracy at national & local levels
- Advocate electoral reform

Principles of Nonpartisan Election Observation

- Offer impartial observation
- Adhere to Code of Conduct signed by observers
- Utilize transparent observation methodology
- Provide systematic, factual, comprehensive analysis
- Respect countries' laws
- Maintain a coherent media policy

International and Domestic Observers: A Comparison

International Missions

- International observers get better access to stakeholders
- Media attention
- May mediate conflicts
- STOs work as mobile teams
- Missions are limited in time
- Experts bring modern perspectives to solutions
- Limited by mandate
- Limited by member states

Domestic NGO Observers

- High number of observers
- May conduct PVT
- May conduct voter-list audit, voter education, voters' rights protection hotlines
- Observe and advocate for reform on a long-term basis
- Easier target for obstruction and intimidation

Other Actors: “Observers” or Something Else?

- Visitors handpicked & sponsored by host government
- Supporters of autocratic regimes (talking heads)
- Politically motivated groups (rubberstamps)
- Domestic GONGOs (book-readers)
- Electoral tourists (parachute observers)
- Political delegations (group of MPs)
- Study visits
- To counter criticism, “the others” target the media

II. What is Observed?

Election Cycle as a Process

- Legislative framework
- Voter registration, candidate registration
- Election campaign, voter education
- Media
- Freedom of assembly, expression, association
- Election administration
- Voting process, counting, and tabulation
- Complaints and appeals
- Installation into elected office

Methodology of Observation

- **Before, during and after election day**
- Long-term assessment (evidence-based)
- International standards, regional instruments
- Statistically based approach
- Experts: legal, political, media, minorities, campaign finance, statistician
- Training of observers
- Reporting forms (checklists)
- Statistical analysis, IT-enhanced reporting
- Statements, conclusions, recommendations

Observation of Election Day

International Observers

- Mobile STO teams on route
- Covering more PS in region
- Balance between rural and urban polling sites
- Observe opening, voting, counting and tabulation

Domestic Observers

- Stationary observers at polling sites
- Statistically based observation
- PVT observers
- Mobile teams
- Present at all levels of commissions

Statements by Observers

- Shift from “free and fair” and “pass or fail” verdict
- Comprehensive assessment in context (post-conflict countries, transitional societies)
- Assessing fulfillment of commitments and international standards
- Quantitative and qualitative assessment
- Detailed analysis based on statistical data
- Recommendations are important
- Final Report includes complaints and appeals

III. Color Revolutions and Backlash

- Color Revolution Syndrome (Georgia, Ukraine)
- Blame on Western and local observers, NGOs
- Stark contrast OSCE and CIS observer reports
- OSCE accused of “double standards” (West & East)
- Limitations of int’l. observers (Russia 2007–08)
- Intervention against intl. observers (Moldova ’09)
- Imprisonment of domestic observers (Belarus ’06)
- Denial of accreditation, canceling NGO registration, intimidation of domestic monitors

Election Rigging Today:

- **Before :** Denial of opposition's registration, control of media, abuse of state resources, voter coercion and intimidation, violence, changing rules, electoral system, threshold, boundaries delimitation
- **During:** Ballot stuffing, multiple voting, vote buying, intimidation, disenfranchisement, vote-count fraud, tabulation and aggregation fraud
- **After:** Announcing rigged results, not allowing duly elected to take office



Gerrymandering cartoon (1812)



Observers in Kyrgyzstan trying to observe early voting



Egyptian voters attempting to enter a polling station.

OSCE Discussion on Election Monitoring

- 1990 Copenhagen Document: OSCE commitments as regional instrument for election observation
- Office for Free Elections: ODIHR
- Commonwealth of Independent States establishes election observations in 2002 (CIS Convention)
- Russia pushes first to change commitments (Copenhagen-2 versus Copenhagen+)
- CIS members accuse OSCE observation of bias and double standards

Impact of OSCE Discussions

- Initial discussion on supplementary commitments
- Shift to methodology of election observation
- As a result, ODIHR methodology has been improved
- Attempts to curb autonomy of ODIHR
- Russia hinders OSCE mission to observe 2008 elections
- CIS missions claim to use same methodology as OSCE and issue contra-reports
- Parliamentarians push ODIHR for a bigger role
- Global initiatives to improve methodology

IV. Reaction of Domestic Observers

To overcome obstructed access to polling stations:

- Committee of Ukrainian Voters created a periodical to accredit 10,000 observers as journalists to get inside polling stations
- CeSID in 2000 and Obcianske Oko 98 performed successful PVT, despite obstructed access
- GONG in Croatia litigated in court the right to observe
- Obcianske Oko in Slovakia defended its right to observe election in the Constitutional Court



Gong activists distributing leaflets

V. Parallel Vote Tabulation (PVT) as Tool Against Count-Rigging

- How and why PVT started?
- Statistical verification method of tabulation
- Representative random sample
- To deter or detect and denounce tabulation fraud
- Reliable, quick projection of results
- Qualitative and quantitative assessment
- Proven to be reliable, powerful tool for domestic observer groups worldwide

PVT (Quick Count) vs. Exit Polls

PVT

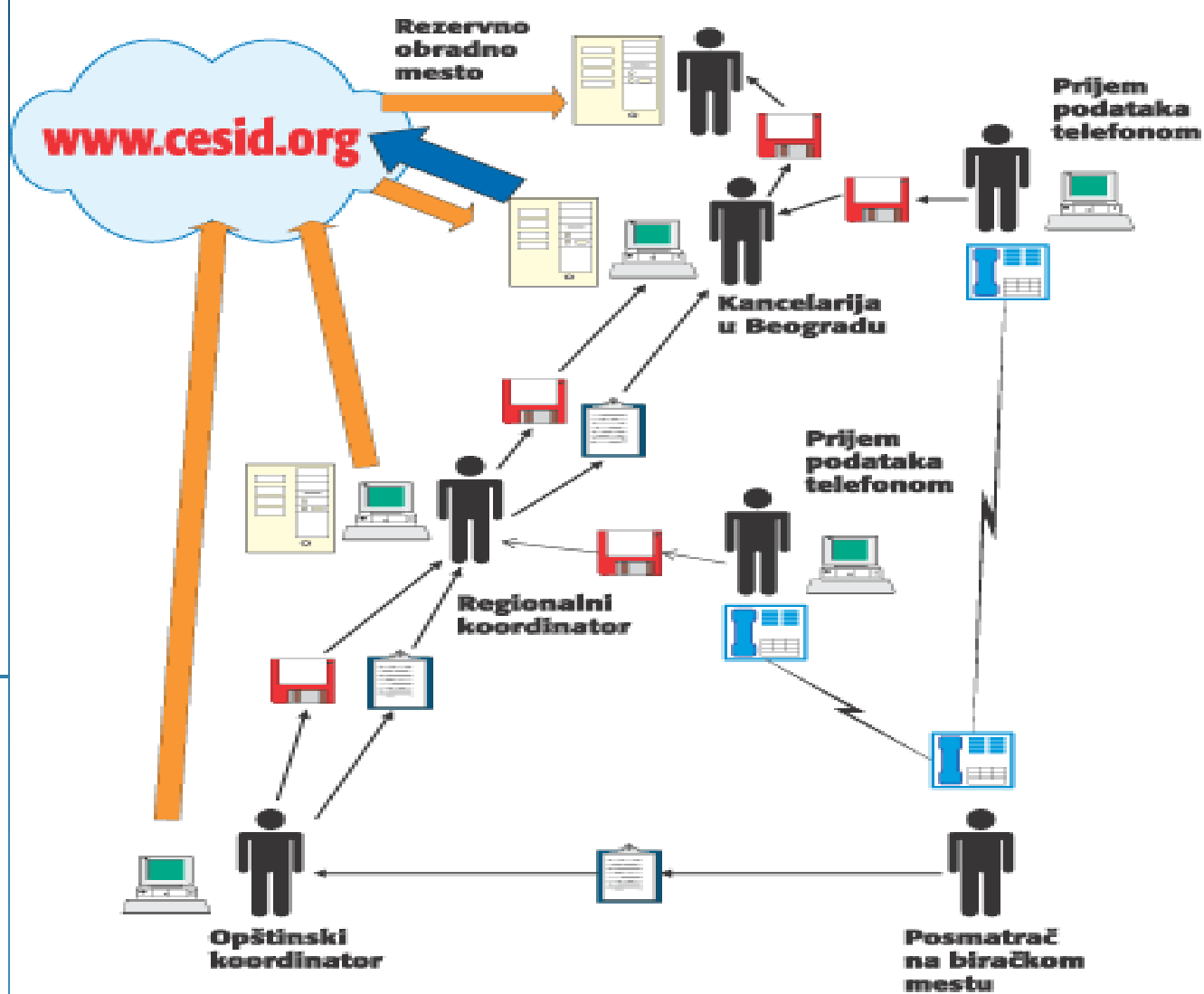
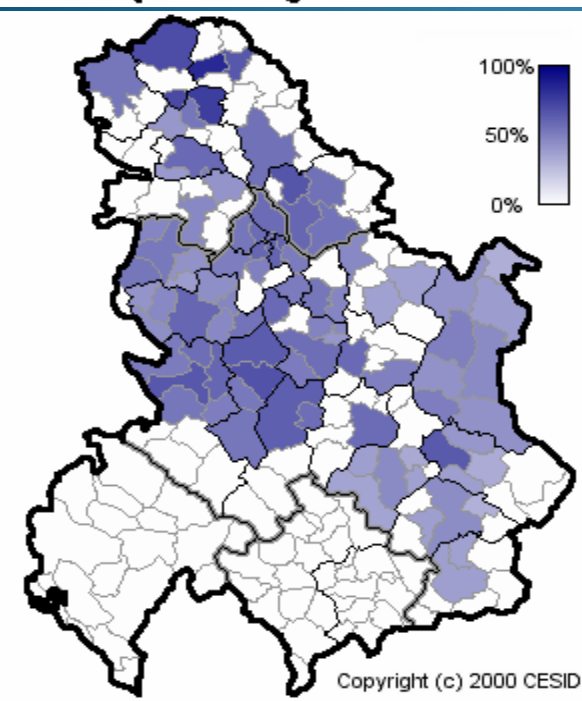
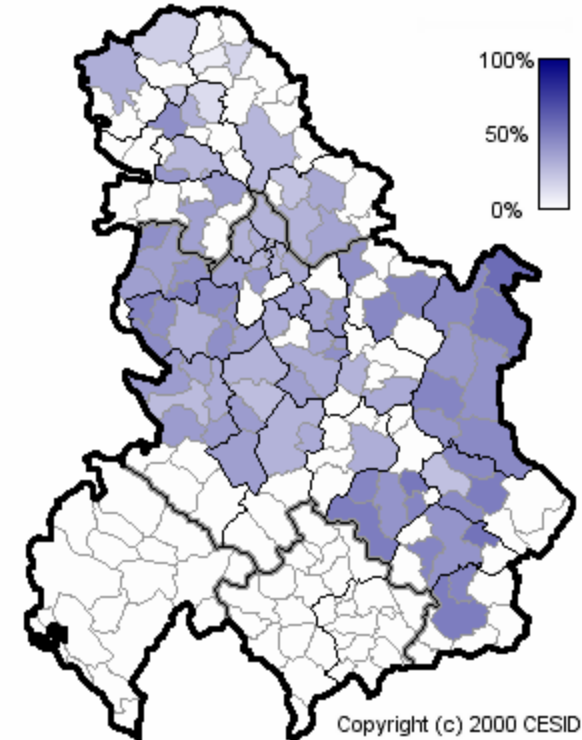
- PVT results are based on sample of results collected from polling stations
- Quick projection of results within margin of error
- PVT data include qualitative assessments

Exit Polls

- Exit Polls are based on voluntary answers of voters
- Voters may hide their real preference
- Voters may refuse to answer
- Exit polls are not reliable in post-conflict countries

Different Examples of PVT Usage

- Croatia (2007) parliamentary elections:
 - Exit polls showed opposition SDP ahead of HDZ
 - GONG's PVT data showed HDZ ahead of SDP
 - Official CEC results : HDZ won by 5.4% margin
 - **GONG's PVT confirmed official results by CEC**
- Serbia (2000) general elections:
 - CEC announced runoff elections, while CeSID's PVT showed Kostunica winning in 1st round over Milosevic
 - Massive demonstrations in Belgrade
 - **Since 2000, CeSID's PVT results of a number of elections matched official CEC results**



LEGENDA:



CeSID-ov zapisnik sa biračkog mesta koji je popunio posmatrač



Unos podataka



Prenos unetih podataka disketama



Prenos unetih podataka Internetom



Obrada unetih podataka



Objavljivanje rezultata



CeSID PVT center in Serbia



Presentation of PVT in Serbia (CeSID)

PVT Strengths and Weaknesses

Strengths

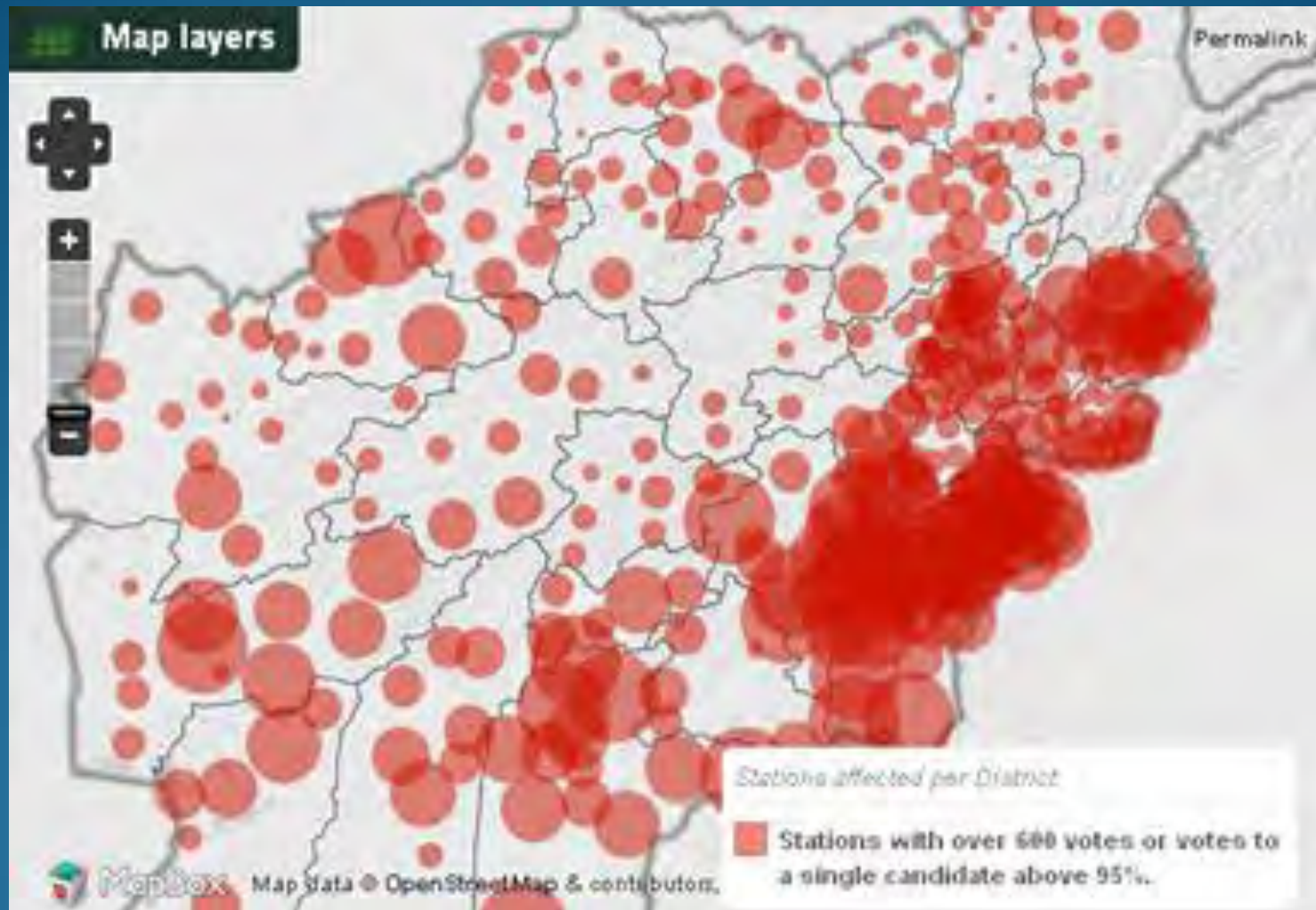
- Used in many countries
- Confirmed official results in many cases
- PVT results can deter count-rigging and expose fraud
- PVTs enhanced by SMS messaging

Weaknesses

- Difficult to conduct in local elections or in mixed parliamentary elections
- PVT is demanding & costly
- Requires data on polling stations
- PVT data from polling stations can be corrupted
- PVT data is not released sometimes (“too close”)
- Electronic Voting Machines

Statistical Analysis of Results

- Important tool for determining mistakes or fraud
- Analysis of official data in relation to observer reports
- In-depth analysis of suspicious data
- Example: Afghanistan e-mapping
- Forensic audits
- Example: APD invited experts from CeSID to audit CEC data and scanned protocols
- Irregular mistakes found not affecting overall results



NDI website with e-mapping showing fraud map and data

VI. Global Initiative: Declaration of Principles for Election Observation

- 2005 Declaration and Code of Conduct initiated by UNEAD, NDI, and the Carter Center
- Endorsed by 35 international organizations: European Union, OSCE-ODIHR, OAS, NDI, IRI, the Carter Center, Commonwealth, the Council of Europe, the African Union, ANFREL, ENEMO
- No CIS group signed the Declaration
- Annual meetings of participating organizations
- Forum for cooperation (methodology, experts, training)

Endorsement of 2005 Declaration of Principles for International Election Observation



Improved Cooperation Among Observers

- Cooperation between core teams of missions
- Cooperation in the field (LTOs, STOs)
- Cooperation with domestic observers
- Solidarity is important in case of attacks on missions, or arrests of domestic observers
- Practical, not artificial cooperation
- Need for explaining mandates and limitations

Cooperation in Implementing Recommendations

- International organizations acknowledge need for systematic follow-up to recommendations
- Domestic observer groups offer their know-how
- NGO advocacy strategies: public opinion, events, media campaign, litigations
- Need for joint cooperation from inside and outside
- More flexible approach is needed

VII. Challenges and Areas for Improvement

Before 2005 Declaration:

- Controversial reports (OSCE in Azerb. 2003)
- Controversy over observer mission role and reports (Carter Center vs. EU EOM in Ethiopia, 2005)

After 2005 Declaration:

- Internal disputes between ODIHR and OSCE PA (Russia, 2007)
- Post-election violence (Kenya elections, 2007)

Challenging Issues: Electronic Voting and Observation

- Info. technologies play a greater role in elections
- Electronic voting and automated voting machines are issues for observers
- Observers do not want to become machine certifiers
- Domestic observers' efforts are more vulnerable
- Paper trail needed for voter verification and recounts

Areas for Improvement

- Promote Declaration of Principles in media
- Share election reports online
- Share methodology and best practices
- Research political violence during elections
- Respond to cases where missions were obstructed
- Unify observation terminology
- Coordinate meetings among endorsing missions
- Open discussion on lessons learned (failures)
- Cooperate to implement recommendations

VIII. Conclusions

- Role of domestic observers has increased significantly
- International election monitoring remains important in transitional and post-conflict societies
- Innovative methods are used to counter election fraud
- Public and media need better understanding of the role, principles, and methods of credible election observation