

Improving OSCE election observation

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When I joined the ODIHR as Deputy Director at the beginning of 1998, one of the first questions I asked was whether there was a long-term future for election observation. This was a serious concern because observation was the brightest diamond in the ODIHR's crown, the activity for which the office was best known and with which it had the greatest political impact. The ODIHR had originated, after all — and not many years before — as the OSCE Office for Free Elections.

My concern over the future of observation was not academic; it had serious practical implications for ODIHR planning, operations and budgets. At that time, as is still the case today, the ODIHR depended entirely on OSCE participating States to provide short and long-term observers at their own expense, as well as to fund basic operations of election observation missions through the OSCE core budget. The fall of communism was still a fresh political issue at the time and, with the establishment of dozens of new democracies in the OSCE area, the value of election observation seemed self-evident. Observation added an important element of transparency to elections in new democracies, improved public confidence in the process, and strengthened the legitimacy of new governments. International observers were welcomed by ruling and opposition parties alike.

But while the value of observation was clear in the immediate post-communist era, would it continue to make sense over the longer term? Would election observation become yesterday's issue, giving way to other types of programs to advance democracy? Would donor fatigue set in? To what extent would observation be necessary, or even useful, once democracy was consolidated in all OSCE countries? Would participating States still welcome observers after repeated, negative assessments? How could we ensure that observation remained relevant?

My 1998 worries over the future of election observation were somewhat premature. During my tenure the donors never flagged and the pace of observation increased. Over the next decade, the ODIHR deployed tens of thousands of observers to over 100 elections. The size and length of missions expanded. Methodologies were further improved and took additional issues into account. Today, international election observation is still going strong both within the OSCE and around the world, and the added value provided by observers is widely recognized.

Nonetheless, the future of election observation in the OSCE region remains uncertain, both for the reasons that troubled me in 1998 and as a result of new

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problems and challenges that have emerged since then. At the same time, there is room for continuing improvement in observation methodologies, as well as other steps that would enhance the scope and impact of election observation and ensure that it remains relevant.

Maintaining the basics

Before delving into these issues, however, it is important to understand and appreciate some of the fundamental positive aspects of election observation — and OSCE observation in particular — that should not be disrupted or diluted by any future reforms or evolutions of methodology.

The first positive aspect is the body of OSCE commitments for democratic elections. OSCE commitments are in many ways broader and more detailed than most other international elections standards. The Copenhagen Document² includes important commitments not explicitly found elsewhere, for example, a prohibition on intimidation, a requirement for equal access to the media for all candidates, and a pledge to invite international observers. Other OSCE documents contain further, important commitments on elections. In addition, many OSCE commitments that are not election-specific are nonetheless critical to well run, democratic elections, including commitments on the freedoms of expression, assembly and association, as well as the right to an effective remedy for human rights violations. The Copenhagen Document's provisions on elections make explicit and expand upon United Nations standards, which are contained principally in the International Covenant on Civil and Political Rights (ICCPR),³ elaborated in the Human Rights Committee's General Comment 25.⁴

Secondly, beyond the issue of standards, election observation has contributed to better elections in many practical ways:

The presence of observers can serve as a deterrent to fraud, which explains why NGOs and opposition parties often advocate greatly increased numbers of international observers. In many countries where I have headed missions, we have been deluged with requests to place full-time observers at every polling station — an approach far beyond the resources of any ODIHR mission.

- International observation helps build public confidence, which is a key factor in the quality and success of any election.

² Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Co-operation in Europe, June 1990. <http://www.osce.org/documents/odihr/1990/06/13992_en.pdf> .

³ International Covenant on Civil and Political Rights; adopted and opened for signature, ratification and accession by United Nations General Assembly Resolution 2200A (XXI) of 16 December 1966; entered into force 23 March 1976. <http://www.unhch.ch/html/menu3/b/a_ccpr.htm> .

⁴ 'General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art.25).' 12/07/96. CCPR/C/21/Rev.1/Add.7. <<http://www.unhchr.ch/tbs/doc.nsf/0/d0b7f023e8d6d9898025651e004bc0eb?Opendocument>> .

- Observation can enhance political stability by validating the quality of the election process (although, likewise, it can contribute to instability if observers discover that an election was fraudulent). This places a heavy responsibility on ODIHR observers, since their ‘stamp of approval or disapproval of an election bears immense weight in giving international legitimacy to the winners.’⁵
- Election observation missions often provide indirect support for domestic observers. To have international observers show respect for domestic monitoring groups and consult closely with them, even while remaining separate, provides these important groups with a measure of protection and can help professionalize their methods and operations.
- Observation can lead immediately to improved practices by host countries, as governments react to discussions with observers or to interim reports by observers. Heads of observation missions must be careful not to prescribe steps or to instruct governments but, at the same time, they have a responsibility to act transparently and keep the authorities informed of their impressions. I recall one country where every taxi in the country displayed an election poster for the incumbent president, who was running for reelection. The day after I commented in passing to a senior official that it seemed a bit odd that every taxi driver in the country had the same political opinion, the posters mysteriously disappeared. In another country, the day after I inquired why the Central Election Commission had turned down an offer from donors to supply transparent ballot boxes, the Commission announced it was accepting the offer, after all. In yet another country, the Prime Minister made vigorous public statements warning against intimidation after I pointed out to him that this was a serious problem with the election. State media in another country began to give greater coverage to the opposition following observer comments that its coverage was not balanced. In particularly serious cases, observers have even intervened directly to stop abuses such as arbitrary arrests and police beatings of opposition supporters.⁶ These are just a few of many examples in which I have been involved, where authorities didn’t wait for the observation mission’s final report before taking action.
- And, formal recommendations issued at the end of observation missions can lead to long term improvements in legislation, election administration, and other aspects of the democratic process.

A third strength of the OSCE’s election observation is the ODIHR’s well-developed and tested methodology.⁷ To the ODIHR’s credit, the methodology continues to

⁵ Radio Free Europe interview with ODIHR Director Janez Lenarcic, <http://www.rferl.org/content/OSCE_ElectionMonitoring_Chief_Defends_Offices_record/1624772.html> .

⁶ See, for example, ‘Crushing Dissent,’ Human rights Watch, January 22, 2004. <http://www.hrw.org/en/node/12183/section/9>> .

⁷ The ODIHR’s basic methodology is set out in the *Election Observation Handbook*, ODIHR, 2005. http://www.osce.org/odihr/item_11_14004.html> . This has been supplemented by numerous additional handbooks on specific aspects of observation, see

evolve and to encompass ever-increasing aspects of election processes. The basic elements of the ODIHR's methodology have been taken up by other organizations and are now widely accepted as international best practice. The Principles of International Election Observation,⁸ endorsed and signed at the United Nations in 2005 by most of the world's major election observation groups, closely mirror practices developed by the ODIHR. This shows that the impact of the ODIHR's work has gone well beyond the OSCE region.

The ODIHR's practice of assessing elections in 'established democracies,' begun in 2002, has extended the value of observation also to these countries. Every election can be improved, even those in countries with longstanding traditions of democratic elections. My own experiences leading assessment missions to several established democracies sometimes left me surprised at the serious weaknesses in their systems or procedures.

These and other benefits of election observation make its value clear and should secure its future, especially in a community of States committed to democracy such as the OSCE. Unfortunately, however, the future of observation within the OSCE region is not clear at all.

Recognizing the challenges

The essential difficulty that threatens the future of election observation is that while observation is basically a technical process, it has enormous political ramifications. Elections are among the most sensitive political issues facing any country. They are at the crux of who holds power and who does not. Elections by their very nature are usually fraught with controversies of various types and even well-run elections may spark demonstrations, street action and instability. Opening all these issues to foreign observers — and to their attendant criticisms — often draws defensive reactions from authorities. Worse, when observers find levels of malpractice that could call election results into question, this may bring them into direct conflict with national leaders. In such circumstances, even the most impartial observers may be charged with being biased, having double standards or following a political agenda.

This is the situation in which the ODIHR now sometimes finds itself, facing withering criticism from some governments whose elections have been assessed as falling short of OSCE commitments. Not surprisingly, much of the criticism comes from countries without a strong tradition of democratic transitions of power. Curiously, however, the ODIHR also sometimes faces just the opposite criticism-assertions that it soft-pedals or waters down its assessment of some bad elections in order not to alienate participating States, or that its election reports are too timid and are couched in diplomatic verbiage that does not make clear that an election was fraudulent.⁹

<3http://www.osce.org/odihr/publications.html?lsi=t'ue&limit=10&g'p=2 > .

⁸ 'Declaration of Principles of International Election Observation,' October 27, 2005, <http://www.ndi.org/files/1923_declaration_102705_0.pdf> .

⁹ See, for example, recent criticisms of the statements issued for the Moldova 2009 elections

These competing criticisms may well indicate that ODIHR assessments are getting it right, that is, that the assessments are adequately critical of poor elections, but they are not overly politicized. The criticism that the ODIHR is ‘too soft’ in some cases fails to recognize that most elections cannot be easily characterized as ‘good’ or ‘bad.’ This is why election observers rarely pronounce elections ‘free and fair’ or ‘not free and fair.’ Each election is assessed against applicable international standards and commitments and — usually — some commitments are met and some are not. Observer reports therefore tend to describe shades of grey rather than black or white.

As for the ODIHR having political motives to issue negative reports, in my experience heading a dozen ODIHR election observation or assessment missions, I can attest that my instructions have always been to assess the elections independently and impartially against international standards. I have never been given instructions or guidance from headquarters on what political tone or approach my reports should follow. My own experience, therefore, belies any accusations of ODIHR bias.

As for any suggestion that the heads of election missions themselves have a negative bias, I can offer from a personal perspective — and I believe the same would be true for other heads of mission — that I have always begun my missions with a positive outlook, giving the authorities the benefit of any doubts. If at the end of a mission I have had to issue a negative statement, I have always done so with a sense of regret that the election was a missed opportunity to advance or solidify democracy. I could hardly describe how depressing it is to follow an election in detail for six or eight weeks and then issue a generally negative report.

Nonetheless, the attacks on the ODIHR by some participating States over its supposed bias or political motivations continue to represent a sword of Damocles hanging over OSCE election observation. While this image may seem severe, the recent closure of the OSCE Mission in Georgia has shown that political considerations can lead to the abrupt end of major OSCE undertakings. The future of election observation, therefore, should not be taken lightly.

Beyond the frontal, political attacks on election observation, there have been other, more subtle attempts to undermine the effectiveness of observers. Some OSCE participating States have not met their obligation to invite observers¹⁰ or have sometimes sought to limit or avoid scrutiny by issuing invitations too late or by seeking to place restrictions on the number of observers. Some countries have raised objections to ODIHR sending a particular head of mission or to other

and Armenia 2008 elections, such as <<http://politicalmoldova.wo'dp'ess.com/2009/05/15/ap'il-2009-elections-in-moldova-what-it-took-communists-to-win/>> and <<http://www.eurasianet.org/armenia08/news/022008a.shtml>> .

¹⁰ *Op. cit.*, the Copenhagen Document, paragraph 8 states: ‘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.’

members of the core team.

Another major challenge for observation is that methods of election cheating or manipulation are becoming more sophisticated and harder to detect. Not many years ago, I observed elections in countries where we uncovered multiple cases of ballot box stuffing, altering of results protocols and other blatant fraud, sometimes committed audaciously in the full presence of international observers. My personal favorite was a case in which a polling station in an area that traditionally supported the opposition was supplied with pens filled with disappearing ink, so that the votes — which were expected to heavily favor the opposition — literally disappeared between the time they were cast and the time the ballot box was opened for counting! Veteran observers can relate countless stories of well-timed power failures that left polling stations in complete darkness during crucial moments of the vote count, voters bussed from polling station to polling station, disappearing ballot boxes, and other obvious cases of cheating.

While such blatant fraud continues to occur in some countries, election observers are now more likely to encounter subtler, but sometimes even more insidious methods. Perhaps the most widespread of these is intimidation. Voters may face threats to their jobs, social services or places in university for themselves, their families or their villages for supporting the opposition. Businesses supporting the opposition may face politically-motivated tax inspections. Opposition candidates or activists may face harassment or arrest, or may have impediments put in the way of their candidacies or campaigns. Domestic election observers may be threatened. The independent media may come under pressure to support the government. Any of these activities can affect the outcome of an election, yet they are harder for observers to detect or verify.

There are also legal ways to affect or manipulate election outcomes. The choice of election system and the drawing of constituency boundaries may be deliberately designed to secure a particular outcome; these are often problems even in ‘established democracies’. Campaign financing laws may favor the ruling party and may be designed to obscure sources of funding or the nature of expenditures. Governing party candidates may misuse ‘administrative resources’, or public funding or property, to benefit their campaigns. Election commissions and courts may not operate impartially. The media, and in particular the State broadcast media, may not provide equal access or balanced coverage to candidates. Unlike the types of blatant Election Day cheating described above, all of these problems relate to the longer term election process and highlight the importance of strengthening long-term election observation.

Technical innovations also pose major potential challenges to effective election observation. Electronic voting, in particular, does not lend itself easily to many aspects of current observation methodology and demands new approaches.

Another challenge is posed by observation groups which have not accepted and do not adhere to the Principles of International Election Observation and that sometimes seem to operate for political purposes. Such groups are active in the OSCE area. They may include high-profile individuals who appear in a country

shortly before Election Day, have a round of meetings, visit a few polling stations, and then pronounce on the entire election process. Such observation missions can undermine the credibility of election observation in general and their assessments often tend to — or are intended to — dilute the conclusions reached by the ODIHR and observation groups using a more solid methodology.

The ODIHR also sometimes faces challenges in dealing with its parliamentary partners, some of whom have also not accepted the Principles of International Election Observation. Parliamentary observers can provide an important added value to election observation missions, especially through the higher profile they may bring and their personal experience in running for office. However, in some cases their views may be formed on the basis of short-term and incomplete observation. Although their numbers are usually small and their time in country is short, their views carry disproportionate weight in the conclusions of missions composed jointly of parliamentarians and the ODIHR. Another aspect of this issue is that politicians, by their nature, may be more likely to have views influenced by political considerations than observers from a bureaucratic institution, and they often tend to want to provide a positive news story. Parliamentary observers and the ODIHR can usually cooperate constructively, but in some instances the politics of parliamentary observation can distort an observation mission's findings. This has, at times, led to assessments being softened. I recall one parliamentary delegation leader telling me after a particularly hard-fought and unsatisfactory negotiation of a preliminary election statement: 'The problem, Peter, is that you wanted to tell the truth'.

Yet another challenge of observation is that there are usually few consequences for an OSCE State that does not meet its obligations and commitments in regard to democratic elections. The starkest example of this came a decade ago when one OSCE leader was named 'president for life.' Although this effectively negated all of the country's commitments with regard to democratic elections, it drew no more than a short statement of criticism from the OSCE Chair-in-Office, with no further action by the Permanent Council or other OSCE bodies. Exceptions to this norm have been the cases of a few countries seeking membership in the European Union, where a negative ODIHR assessment can have profound consequences and set back the accession process. Nevertheless, the general absence of significant consequences in the face of a negative election assessment report remains one of the great weaknesses of election observation.

Consequences do not have to be negative or punitive. A positive consequence of a flawed election could be a commitment to remedy the problems identified by international observers. OSCE participating States are committed to follow up on recommendations included in ODIHR election observation reports.¹¹ In practice, however, there has been no systematic follow-up to assess the extent to which recommendations have been implemented. This is one more serious

¹¹ OSCE Istanbul Summit Declaration, November, 1999, paragraph 26: '...we agree to follow up promptly ODIHR's election assessments and recommendations. http://www.osce.org/documents/mcs/1999/11/4050_en.pdf.

weakness of international observation. A follow-up system might not be hard to design, but it would require resources and its effectiveness would ultimately depend on the political will of States to implement recommendations.

This raises the broader, fundamental issue of political will, which is the critical factor in improving elections. The quality of elections depends far more on political will than on strong technical measures. The best indicators of a good election are not the quality of the election law, the size of the election budget, or the amount of training provided to election administrators, but rather the level of public confidence in the process, the extent to which the exercise of civil and political rights is guaranteed, and the basic honesty voting and counting. A sound electoral framework is important, but is not a substitute for political will.

By the same token, the impact of election observation depends to a great extent on the political will of a country's leaders. For leaders committed to conducting sound elections, observation can provide both validation and good recommendations on how to further improve the process. In general, political leaders of OSCE States are extremely anxious to have positive reports on their election by the ODIHR, since such reports lend credit to their democratic processes and strengthen the legitimacy of their governments. In the final analysis, however, some leaders have placed a higher priority on retaining power than on conducting democratic elections.

Improving observation — addressing the problem of political will

If the analysis set out above is correct, then improving observation will require dealing with the challenges and weaknesses identified.

The most difficult of these challenges for observers is how to deal with the issue of insufficient political will, where this remains a problem. The first step toward improving the response to a lack of political will is for observers to recognize and openly acknowledge the problem when it becomes apparent, highlighting it in their interim reports, preliminary statements and final reports. For example, if problems such as intimidation, manipulation or dubious disqualification of candidates undermine the quality of an election, these should be emphasized not just as procedural issues, but as political failings. Too often, election reports focus disproportionately on technical problems or could even be read as describing political failures as technical lapses. This does not imply that observers should adopt a confrontational approach or that observation should be politicized. It does, however, suggest that to the extent possible observers should carefully analyze the causes of any weaknesses or failures in an election process, rather than just pointing out that the weaknesses exist.

The recommendations included in the final reports of election observation missions, in particular, often tend to deal overwhelmingly with narrow issues of law and procedure. While such recommendations are indeed appropriate and important to include in a final report, they sometimes miss the bigger picture. Good laws and procedures work only if they are implemented in an environment of voter confidence, respect for human rights and honest and impartial election

administration. I have headed election missions to countries with excellent laws and procedures on the books, but very poor elections in practice, as a result of dishonesty, manipulations or repression. I have also headed missions to countries with laws and procedures that fall below international standards or best practices, but that nevertheless hold elections that are free, fair, honest, and enjoy public confidence. The manner in which authorities choose to carry out their responsibilities is the key. Recommendations included in final reports, therefore, should give greater attention to remedying political deficiencies, where these are a problem, as well as to technical weaknesses.

Another issue of political will, already mentioned above, is that when observers make critical assessments, the authorities may tend to regard the observers as politicized or as supporters of the opposition. In the worst cases, this can lead to an unfortunate public rupture between observers and the government. The chances of such problems arising can be minimized if election observation missions adopt a fully transparent approach and consult closely with authorities throughout the observation. I have made it a practice on my observation missions to meet regularly with senior political officials — sometimes including the president or prime minister — to apprise them of our emerging impressions and especially of any problems we discern with the election process. I have found that even when I deliver bad news, this process of consultations has been welcomed. For the observation mission, such meetings provide an opportunity to ensure the authorities understand in advance the reasons behind any negative findings and to remind them that it is the government's responsibility to deliver a democratic election. The result of close consultations is, at a minimum, that government leaders are not faced with unhappy surprises when official reports or preliminary statements are issued; at best, they sometimes take timely remedial action to alleviate problems.

In the context of elections, problems of political will are often manifested most clearly in a failure to guarantee civil and political rights, in particular freedom of expression, freedom of association, freedom of assembly, freedom of movement, the right to an effective remedy when rights are violated, and the prohibition of discrimination. All of these rights are guaranteed in international standards, including OSCE commitments. Some countries still hold political prisoners, which can undercut the integrity of an election. Observation missions, however, sometimes have a tendency to concentrate on election-specific standards and commitments, such as those found in Article 25 of the ICCPR and in paragraph 7 of the Copenhagen Document. Integrating a broader human rights perspective more systematically into the work of election observation missions could help address and draw attention to the failures of political will that accompany some elections.

Addressing failures of political will also implies strengthening long-term election observation and, in particular, the political analysis function of observation missions. The ODIHR has already made a start in this direction, by sometimes assigning more than one political analyst to an election observation

mission.

Improving observation — additional steps to consider

Strengthening long-term observation is also the key to improving observation in general. Because blatant Election Day cheating is becoming less common in the OSCE area, the relative importance of short-term, election day-focused observation is declining in comparison to long-term observation. In countries with a very high level of public confidence in the integrity of the election system, there may be no need for short-term observers at all, as the ODIHR has already acknowledged in a number of missions.

The long-term components of observation missions, on the other hand, could have enhanced effectiveness if they were equipped and staffed to look more deeply into a larger number of election issues. This could call for some members of election observation missions to arrive earlier and for some to stay longer. It could also mean increasing the specialized expertise of some core teams. These steps would enable missions to better assess such issues as voter and candidate registration (which are often completed by the time election missions arrive in country), campaign financing, constituency delimitation, and the performance of courts in handling complaints (which sometimes continues after the departure of election missions). Improving core team expertise in human rights could also be valuable, as outlined above. Expertise on electronic voting is a crucial element of long-term missions to countries that have such voting systems. Strengthening core teams in these ways — without reducing their current, essential activities — would have resource implications, but would bring added value to the missions' reports and recommendations. The practice of including gender and minority analysts on some missions has shown that expanding the scope of observation can have a constructive impact.

The emergence of new issues for observation missions also raises the question of the development of new standards, to keep pace with changing technology and identified problems. Within the OSCE, over the years there has been informal discussion of the value of drafting a 'Copenhagen Document 2' or a 'Copenhagen plus' — a rewriting or updating of the election-related paragraphs of the Copenhagen Document. While the idea of an improved and consolidated set of standards is attractive, rewriting the Copenhagen Document is unnecessary and could be politically divisive. Like other OSCE commitments, the Copenhagen Document has shown its value and stood the test of time.

This does not mean, however, that OSCE commitments should be static. Election standards and commitments, like those in other areas, should continue to expand and improve to meet new circumstances and challenges, and to help ensure that participating States progress toward ever better elections. The election-specific paragraphs of the Copenhagen Document, for example, do not include specific commitments in regard to the importance of public confidence in an election process or to the need for transparency, accountability, or impartiality in election administration, although these are widely accepted among OSCE States as

important elements of democratic elections. There are no commitments in regard to electronic voting, although this is becoming an increasingly important area. Adopting more detailed and up-to-date standards or commitments would simplify and improve the assessment work of observation missions.

Beyond formal commitments, a large body of good practice on elections has emerged in the two decades since the Copenhagen Document was adopted. It would be an extremely useful exercise for the ODIHR to compile such best practices in election administration into a practical handbook or manual. For observation missions, this would provide an additional tool to help guide their assessments and to inspire practical recommendations. A handbook of best practices could become an important resource in improving elections generally, enabling countries to learn of and benefit from good practices developed elsewhere. A handbook might also help in designing election assistance programs and in informing OSCE offices and missions, which sometimes become involved in providing election assistance. While organizations other than the ODIHR could compile such manual, no other organization carries the same weight or cachet within the OSCE area.

The ODIHR continues to count on participating States to second long-term observers (LTOs) to its election observation missions. While this has been a very cost effective procedure and has generally produced excellent teams of LTOs, the system has operated in a way that gives the ODIHR very little say in choosing these key members of its long-term missions. The system could be improved, without disrupting its basic elements, if the ODIHR were to institute a set of required criteria for service as an LTO. Such criteria might include, for example, service as a short-term observer in at least one or two elections, or other election experience.

Currently, training of LTOs is left to the discretion of participating States, with some LTOs receiving formal courses, while others get no training at all. It would not be unreasonable — and might greatly improve the effectiveness of LTOs as a group — for the ODIHR to require a training course for all LTOs before their deployment to the field. Such a course could be conducted in Warsaw, Vienna or other capitals. A less expensive alternative would be to design a required, on-line course for prospective LTOs, including a final test that would ensure a minimum level of knowledge and proficiency. Likewise, a required on-line course for short-term observers would ensure that they are exposed to basic concepts and procedures before their deployment to an observation mission.

A more difficult problem is the issue of observers who do not accept or respect the Principles of International Election Observation. In my experience during observation missions, trying to cooperate with such groups has met with limited success, since they are often driven by a political agenda. There may be some value in entering into more formal discussions with such observers to attempt to reach a better understanding, but the prospects are not encouraging.

As to parliamentary partners in election observation, there is clearly a continuing need for a better relationship, based on a cooperative partnership,

mutual respect, a commitment to objectivity in assessment, consistency in the application of standards and approaches, and an understanding of the increasing weight of long-term observation. OSCE participating States want to see that election observation is carried out professionally and impartially; they should display a stronger interest in ensuring this occurs.

Among the greatest weaknesses of election observation is the absence of systematic, effective follow up to the recommendations of election observation missions. Once election reports are delivered to authorities, they are sometimes forgotten until the next election rolls around. OSCE states are committed to follow up on the ODIHR's recommendations and should be held to their commitment. Some countries have taken a serious approach to meeting this commitment. I headed a mission in one country, for example, that had established a ministerial committee specifically to see that the ODIHR's recommendations were implemented. In another, a bi-partisan parliamentary committee was established to revise the electoral law in line with the ODIHR's recommendations. In other countries, however, the same problems can be identified in each election cycle, with no discernable effort at improvement.

Establishing a system to follow up on recommendations would be an important step to improving the value and impact of observation. A system could be as simple as sending an ODIHR team back to a country at set intervals (say, six months or a year) after elections to assess the extent to which the recommendations have been acted upon, and to issue a report with its findings. The ODIHR could also report to the Permanent Council at set intervals on the progress or lack of progress in implementing recommendations.

Effective follow up also implies that help will be made available, when necessary, to participating States that seek assistance in implementing the ODIHR's recommendations. This could be an important area for cooperation and partnership between the ODIHR and OSCE field operations, which in some instances might be well placed to manage election assistance activities. Where OSCE offices are not in a position to provide or manage election assistance, there are many other organizations that might do so, for example the United Nations Development Program. One important consideration is ensuring that the ODIHR continues to maintain a 'firewall' between any election assistance projects and election observation, so there is no perception that a conflict of interest exists between these activities.

Finally, drawing on election observation's success and demonstrated value in strengthening democracy within the OSCE region, participating States should consider seriously how to extend these benefits to other regions, beginning with OSCE partners for cooperation. The beginnings of a precedent exist, since the ODIHR has sent teams to Afghanistan three times to assist with elections. Perhaps other OSCE partners for cooperation would welcome ODIHR observers, if they were encouraged to do so and if they knew they might get a positive response. It is an offer worth making.

These recommendations go a long way towards answering the question I

posed at the beginning of this article: how can election observation remain relevant? The evolution of observation in the OSCE area over the past decade has shown that it can remain a vibrant and relevant force for improving democratic practices, even in parts of the world where democracy is increasingly firmly established. Remaining relevant, however, has required creativity, flexibility and adaptation as well as a constant commitment to maintaining high standards and courage in taking difficult positions. This process of innovation will have to continue in order to meet the challenges that lie ahead.