

International election observation

Bill Gray and Therese Laanela

.....

During the decade of the 1940s, only 78 democratic elections were held worldwide. In the 1970s that number leapt to 237 and in the last decade of the 20th century 603 elections were held. The change in the Commonwealth of Independent States (CIS) and Central and East European countries is even more impressive: only one democratic election was held there in the 1980s, but 113 in the 1990s.¹

The exponential increase in the number of elections towards the end of the century reflected a number of factors. The end of apartheid in South Africa and associated changes in Southern Africa, the transformation of military dictatorships into democratic regimes in Latin America and the disintegration of the Soviet Union all gave rise to an environment in which the conduct of democratic elections was not only an essential element of democratisation and legitimate governance but often a precondition for the receipt of international aid and membership of international organisations.

With so much at stake—notably domestic legitimacy and international recognition—in the ‘stamp of approval’ that successful elections provide, a minor industry has developed in tandem with the proliferation of elections: election observation and monitoring. If the most favoured media image from high-profile elections, such as those in Kosovo, Cambodia, Peru, Indonesia and Zimbabwe, is the classic ballot box and the determined first-time voter, then the most favoured ‘sound bite’, competing with the actual results of the election, is their declaration as ‘free and fair’ or otherwise by high-profile personalities representing international observation groups.

The practice of election observation is not new—the first recorded international observation being that of the general election in Moldavia in 1857—but it has

undergone considerable development and change, particularly over the past two decades.² The UN gave rise to new expectations in the conduct of election observation with its organisation and conduct of elections in Namibia, Nicaragua, Cambodia and South Africa (although the scale and cost of those exercises make them the exception and would be beyond the capacity of the organisations that normally sponsor election observer missions).

The questions arise, however, what the purpose of such observation is, how it is conducted and what benefits, if any, flow from it. It is timely to question the utility of such activity and whether election observation is a valid and reliable means of verifying that an election is legitimate and has been conducted with integrity.

For the purposes of this discussion, a democratic election is an event (comprising a number of complex processes, including voter registration, logistics, party registration and much more) designed to ensure the free and fair expression of the will of citizens in choosing a representative parliament, legislature or a head of state. Election observation is about being able objectively and independently to assess and report on the integrity or otherwise of the various elements of an electoral process.

Election observation assessments may form the basis for validating or challenging the legitimacy of the government elected. Such findings may also have an impact on donors' commitments to a country or on its relationship with an international organisation, such as the Council of Europe or the Commonwealth.

At its best, the presence of international observers can reassure voters as to the secrecy and integrity of the voting process, provide the opportunity to evaluate the political, social and legal environment in which the election is being conducted, and enhance the possibilities for reform and improvement of the democratic process.

At its worst, an international election observation presence gives undue legitimacy to an improper electoral process. Observation missions also run the risk of contradicting each other as a result of different interpretations of the notion of 'free and fair'. They have, at times, been criticised as biased, arbitrary, an intrusion into national sovereignty or costly 'electoral tourism'.

An emerging set of standards, both on how elections should be conducted and on how they should be observed, and an increased professionalism in observation are two factors that partly address concerns about election observation. The next

two sections of this chapter consider these in turn. This is followed by a case study of the 2002 presidential elections in Zimbabwe. A final section draws some conclusions.

Emerging global standards on elections

If we accept that election observation is a form of verification, and that what is being verified is the integrity of the electoral process, then against what treaties, norms or generally understood principles are the elections being measured or verified? Based on the experience and practices of electoral events of the past two decades, principles and standards are being developed, acknowledged and utilised by the international community to provide guidance in determining the integrity and legitimacy of elections.

The most important source documents are the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights, which enshrine the overarching rights of citizens to the expression of their will through periodic elections, universal and equal suffrage, and free voting procedures.³

The notion of 'free and fair' is central to the work of election observers, both international and domestic. It is the case, however, that the concept of 'free and fair' is both vague and multidimensional and that there is no one definition, methodology or handbook which is universally regarded as enabling an incontestable judgement to be made as to whether an election has been free or fair.

Apart from these two documents, very little guidance in the form of benchmarks or checklists existed for election observation until the late 1980s. Up to that point, in established democracies, elections were conducted as a national public administration endeavour under national rules and procedures. Just how they were conducted and by whom was largely seen as a domestic, often routine, concern. In each jurisdiction local solutions were found, leading to myriad permutations—in electoral systems, in voter registration practices, in boundary delimitation criteria and in the structure and functioning of election management bodies. While there was commonality of task, there was no 'one size fits all' for electoral practice.

Several organisations were set up between the late 1980s and the mid-1990s to support good practice in elections, either 'on the ground' or through documentation. This work has contributed to raising elections from a national to an international

concern.⁴ It resulted in the adoption in Paris in 1994, by 120 countries, of a Declaration on Criteria for Free and Fair Elections.⁵

Identifying and codifying good practice in a field that has developed in such a diversified manner has not been without its challenges, for example, in determining the degree of 'prescriptiveness' and specificity that is possible or desirable. On the one hand, organisations such as the Organization for Security and Co-operation in Europe (OSCE) were anxious for 'tough' and relatively specific guidelines to be set by the international community in order to pre-empt and deal with threats to fragile new democracies from corruption or sabotage of the electoral process by tenacious incumbent regimes or other anti-democratic forces.⁶ Paradoxically, these 'tougher' guidelines, developed with newer democracies in mind, have become problematic for many long-established democracies, particularly in Western Europe and North America, where traditional practices do not necessarily match the new standards—for instance, the expectation that an independent agency rather than a government department should run elections.⁷ It is likely that a document that aimed to incorporate common prescriptions for all electoral practices would have to adopt a 'lowest common denominator' approach, which would render it of little use when international or domestic monitors want to expose malpractice and need internationally agreed documents to refer to.

Consequently, guidelines and codes that are intended to be globally applicable tend to focus on principle rather than practice. For example, the Code of Conduct for the Ethical and Professional Administration of Elections developed by the Stockholm-based International Institute for Democracy and Electoral Assistance (IDEA) specifies non-partisanship, professionalism and service-mindedness, respect for law, transparency and accuracy as essential principles that must not be compromised, but avoids advocating any particular practice or system.⁸ International IDEA's Administration and Cost of Elections (ACE) project, a widely used web-based resource on election administration,⁹ is structured in such a way as to recognise the existence of 'options' in practice, but also emphasises 'guiding principles' that should steer each aspect of the conduct of an election. For example, recognising that there is diversity of practice in the counting of votes, it suggests that 'counting at polling stations' and 'counting at counting stations' are options, while 'accuracy' is a guiding principle and must not be compromised.

According to Professor Jørgen Elklit of the University of Århus, Denmark, freedom of speech, assembly and association, along with the absence of intimidation of voters, the right and opportunity to participate in the election, and equal and universal suffrage are all pertinent to a valid assessment of whether an electoral process can be considered free. With regard to 'fair', Elklit suggests that the more widely recognised criteria would include transparency in the electoral process, the absence of special privileges for any political party or social group, the impartial treatment of political parties and candidates by the police, the army, the courts of law and other government institutions, and the existence of an independent election commission or other electoral body.¹⁰

As regards sovereignty, sometimes the 'right' to international observation for elections can be derived from membership requirements in international organisations (the OSCE or the Council of Europe, for example), peace agreements (such as the 1991 Agreement on a Comprehensive Political Settlement of the Cambodia Conflict), or a provision in domestic law that election observers must be present. More commonly, however, an invitation by a country or its election authority is the mechanism by which international observation is made possible. The incentive for issuing invitations can range from pressure from the international community to a pursuit of legitimacy on the part of the hosting country.¹¹

Even with an invitation, there are times when it is not appropriate to mount an observation. The prerequisites for an observation mission listed in International IDEA's Guidelines for Determining Involvement in International Observation are:

- a basic agreement with the host country, which would include not only an official invitation but also general support from other parties and other groups;
- an initial assessment of the likely character of the election, taking into consideration the existence of basic laws and freedoms, the legal framework for the elections and the credibility of the election authorities; and
- a realistic assessment of whether the observers will be free and able to do their job.¹²

Practical considerations such as lead time, availability of expertise and resources, the safety of observers and the 'fit' with other observer groups are also important considerations.

The final set of prerequisites relates to the credibility of the observer group. The 'good name' of an organisation mounting an observation will be undermined if its observers are ill-prepared, ill-informed or under-resourced.

Professionalism in observation

Observation, in the electoral context, requires the gathering of information on and the witnessing of activities that are part of the electoral process. It also requires an analysis of those activities and the making of a judgement about the validity and integrity of the electoral process as a whole. Here the political, cultural and historical dimensions will play a significant part in judgements about whether an election has been free and fair.

Observers make direct contact with as many of the stakeholders and participants as possible, including candidates, party officials, election administrators, security officials, media representatives, non-governmental organisations (NGOs) and voters. They examine the legislative framework within which the election is being held and observe directly as many of the various phases of the election as resources and time allow. The observers report their findings and come to a view as to whether the election has been conducted in a way that is consistent with international standards and whether it has been 'free and fair'.

How precise is election observation? What tools does an election observer have to match general and imprecise (in many cases uncodified) principles against the reality that confronts him or her?

The increasingly professional attitude towards verifying the integrity of the elections is the result of a number of factors:

- clear and transparent mandates;
- consistent and examinable criteria;
- a wider range of issues and structures being observed;
- increased sophistication and specialisation of the tasks; and
- the development of and adherence to ethical codes for the observers themselves.

First, election observation is more than simply an election presence. The mandate must be clear and define the role and intentions of the observer group: for example, observers from the OSCE's Office for Democratic Institutions and Human Rights

(ODIHR) base their commentary on: adherence to the OSCE Commitments (defined at Copenhagen in 1990)¹³; and the electoral law of the given country. Mandates are different for supervising, monitoring and observing elections. The International IDEA Code of Conduct for the Ethical and Professional Observation of Elections suggests that supervising is the process of certifying the validity of all or some of the steps in an election process. ‘Peace process’ elections (such as those held in Bosnia and Herzegovina after the 1995 Dayton Agreement) are the most common examples of a supervisory role being introduced. Monitoring involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being violated or ignored. (The Atlanta-based Carter Center tends to favour a monitoring role.¹⁴) Observing is limited to gathering information and making informed judgements on that basis.

Second, the validity of elections was, up until the last decade or so, judged against very limited criteria relating to the mechanics of casting and counting votes. Today, the criteria against which an election is judged to be free and fair are much broader and include an assessment of the basic rights and freedoms available to the voters, candidates and other stakeholders in the election. Other criteria, such as the political and security environment, equitable access to national resources for the competing parties, the integrity of the electoral register, the role of the media and the application of the rule of law, are now widely acknowledged as fundamental in assessing the integrity of elections.

Third, while early observation efforts were largely focused on and around the polling event, serious observation efforts now include assessments of:

- the full electoral cycle (voter registration, nominations procedures, vote-counting and so on);
- the full set of relevant structures (the electoral administrative structure, and judicial and dispute resolution mechanisms);
- the environment (the pre-election environment, party campaign activities and media coverage); and
- documentation (electoral law and procedures).

Observation efforts today are likely to combine long-term (deeper and longer) and short-term efforts (the insertion of large numbers of personnel on and around

polling day); the involvement of eminent persons (for political 'clout' and media coverage) and election or country specialists; and the use of national (domestic) observers in conjunction with, or instead of, international observers. There is growing recognition that different techniques and skills are required to assess different aspects of the process. 'Look and listen' polling station observers in significant numbers are being complemented by specialists, for example, database experts who can conduct 'post-mortems' on disputed registration databases or vote-counting computer programmes.

A fourth reflection of increased professionalism in verification is a 'methodical' approach to processing both qualitative and quantitative data in analysis and reporting. Increasingly sophisticated methods are being introduced in order to do this. Quick counts and parallel tabulation (where the observer group estimates the election results) are increasingly sophisticated and reliable.¹⁵ These techniques are based on well-designed questionnaires, the employment of observers who are well trained in the methodology and follow the same procedures wherever they are, appropriate geographical spread, statistical relevance and the careful processing of questionnaires. Comprehensive debriefing of individual observers is also an important element.

An important aspect of improving standards of election observation is the 'human dimension'—the conduct and ability of the observers themselves. Observers bring to their tasks a range of experiences, skills, preconceptions and biases, all of which result in differing weights being applied to the criteria for free and fair elections. Election observation involves more than mere technical analysis of a process. A 'softer' judgement is often required that checklists cannot always help with: a 'good' observation effort will be able to assess the elements of the electoral process with the highest potential for faults and concentrate the verification effort on those areas. A 'good' observer will be able not only to identify deviation from the rules or procedures, but also determine whether the deviation is acceptable or understandable or whether it compromises basic principles that are critical to the overall process.

To be able to exercise sound judgement, observers need to be familiar with electoral laws, regulations and procedures, election materials (the ballot box and ballot papers), forms, counting procedures, the process for distribution of seats and processes for resolving challenges and other disputes.¹⁶

Finally, international organisations such as the UN, the European Union (EU), the Organization of American States (OAS), the OSCE, the Centro de Asistencia y Promoción Electoral (Centre for Electoral Promotion and Assistance, CAPEL), the Commonwealth Secretariat and International IDEA have all promulgated formal guidelines and codes of conduct which are increasingly used by international observers. Host nations expect international observers to adhere to the principles embodied in such guidelines and protocols as a condition of invitation and accreditation.

As with many other human endeavours, election observation faces the challenge of closing the gap between ideal and practice. Even with the advent of comprehensive guidelines and protocols, election observation is subject to many vagaries which can have a significant impact on its effectiveness. While techniques have been improved as a consequence of repeated observation efforts, it is still the case that political interference, limited resources or, most commonly, shortness of time prohibit the best practices in election observation from being achieved. Too much reliance on the presence of eminent persons (such as former heads of state, senior parliamentarians and senior diplomats called in to lead an observer group) and not enough on the professionalism and technical competence of the observers can result in findings that are less than objective or factually flawed.

Election observation has developed significantly since the days when, so long as the vote was conducted in a reasonably fair and equitable fashion, the secrecy of the ballot was maintained and the counting was transparent, the election was likely to be assessed as 'free and fair'. Professional methods and techniques are evolving, but they also bring greater complexity.

The two great challenges ahead are: the inclusion of the 'socio-political environment' in a consistent, quantitative and qualitative way as a factor to be taken into account in the observation assessment; and the issue of the consequences resulting from an observation report. The emphasis on these two elements made Zimbabwe a turning point for election observation.

Zimbabwe: a recent case study

The Zimbabwean presidential elections of 9–11 March 2002 were held in the face of widespread national and international concern as to the integrity of the electoral process. A constitutional referendum held in February 2000 and parliamentary

elections held on 24–26 June 2000 had been similarly controversial. In particular, serious concern was voiced by observer groups about intimidation and violence experienced by candidates and voters during the political campaign leading up to the parliamentary elections. These concerns were partly responsible for the deterioration of relations between the government of President Robert Mugabe and donor nations such as the UK and the US, and some international organisations, including the EU and the Commonwealth.

The Zimbabwean government invited a number of international organisations and countries to send observers, including the Commonwealth, the EU, the Organization of African Unity (OAU), the Southern African Development Community (SADC), the African National Congress (ANC), Namibia, Nigeria, Norway, South Africa and Tanzania. However, it announced that it would not permit any British citizens to be accredited as observers. The EU arranged to deploy a large team of observers, but a last-minute dispute with the Zimbabwean government over the composition of the team resulted in the EU advance team being withdrawn and the EU's deciding to take no further part in the observation of the election. This decision resulted in significantly fewer observers being available for deployment across the country and was to have an important impact on the weight given by the international community to the report of the Commonwealth Observer Group (COG).

The COG was led by General Abdusalami Abubakar, former head of state of Nigeria, and comprised 53 observers, all from member nations of the Commonwealth. Most had previous experience as election observers. Teams were deployed to all 10 provinces of the country and all travelled extensively during the three weeks leading up to the poll. The observers met political party representatives, members of parliament, electoral administrators, and representatives of the media, the police and civil society, including the Zimbabwe Election Support Network, churches, war veterans, commercial farmers and ordinary voters in urban, regional and remote areas of the country. Although English is widely spoken throughout Zimbabwe, each team was accompanied by a driver/interpreter to facilitate communication between observers and the community, particularly those in rural areas.

The COG findings

On their return to the capital, Harare, after the election, the observers reported their experiences and findings, and identified major concerns. These included the

paucity of voter education, the violence and intimidation during the campaign period, infringements on freedom of speech, movement and association, the lack of adherence to the rule of law, the disenfranchisement of thousands of voters as a consequence of voter registration procedures, the reduction of numbers of polling stations in urban areas, media bias and the inappropriate use of government resources by the incumbent candidate, Robert Mugabe.

Of particular interest to the COG was the campaign period leading up to polling day. As mentioned above, election observation has, until recently, focused to a high degree on the mechanisms and procedures associated with polling day and the counting of ballot papers. On this occasion, however, the COG determined that the political and security environment in which the elections were being held constituted a crucial consideration in judging the integrity of the electoral process. It recognised that violence, or the threat of violence, can impede the ability of an elector to exercise his or her right to participate freely and can be used to deter electors from voting or influence their choice.

Whereas the so-called war veterans were held responsible for the greater part of the violence and intimidation during the campaign leading up to the 2000 parliamentary election, it was a newly formed paramilitary youth group trained by the government under a 'National Youth Training Programme' that led the attacks on opposition party supporters and ordinary citizens in the lead-up to the 2002 presidential elections. While the violence perpetrated by these youths, often supervised by war veterans, was not dissimilar to that observed during elections in other countries, their operations were distinguished by the seamless alliance that existed between the youth groups, the police and the military. The deployment of youths in camps across all parts of the country, particularly in the rural areas, required the logistical support of the military. The illegal activities of the youth groups, ranging from killings, kidnapping, arson, rape and assault to the establishment of road-blocks, relied on the often conspicuous support and protection of the police. There was an obvious reluctance on the part of the police to intervene to stop attacks by members of the youth militia on opposition supporters. The actions (or inaction) of the police raised serious questions about the rule of law in Zimbabwe.

Other issues—such as the recently enacted legislative constraints on freedom of speech, movement and association; the arbitrary removal of voters from the

electoral register; the disenfranchisement of thousands of voters in Harare and Chitungwiza resulting from the reduction of the number of polling stations in urban areas; the inequitable use of government resources by supporters of the incumbent candidate; the polarisation of the media; and the inability of domestic observers to gain access to the great majority of polling stations—were all important factors in the overall assessment made by the COG. It was, however, the weight given to the political and security environment, characterised by violence, fear and intimidation, that distinguished the COG's findings (as well as those of the SADC) from those of other (mainly African) observers who assessed the election as being free and fair.

Reporting

The timing of the public announcement of an observer mission's findings is always a matter of judgement either by the head of mission or by the sponsoring body, having regard to the political situation.

Before the Commonwealth mission had made its findings known, the OAU team announced that 'in general the elections were transparent, credible, free and fair'. This view was endorsed by the head of the Namibian observer mission, Tuliameni Kalomoh, who told the BBC: 'I have not seen any objective individual who was ever to say with a straight face that "I have observed irregularities, I have observed rigging of the election, I have observed intimidation of the voters"—that they've been prevented to go and cast their votes. I have not seen that'.¹⁷ Similarly, the South African parliamentary observer team also declared the election to have been free and fair.

These findings were greeted with cynicism and disbelief by opposition party supporters and other members of the international community, especially the UK, the US and the EU. But two important groups had yet to make public their findings—SADC and the Commonwealth. SADC was an important player in that its members were Southern African countries, including South Africa, Zambia, Botswana, Namibia and Mozambique, all of which have close links with Zimbabwe. Its Parliamentary Forum, of which Zimbabwe is a member, had collectively developed Norms and Standards for Elections in the region which were formally approved by SADC in March 2001. The objective of the norms and standards is 'to ensure the conduct of peaceful, free and fair elections in the region'.¹⁸

The SADC Parliamentary Forum observer mission made known its findings on 13 March, the day after the counting of votes. Unlike its parliamentary colleagues from South Africa and Namibia, it expressed serious concern at the extent of intimidation and violence during the campaign period and questioned the limitations that had been placed on freedom of speech, movement and association during the election period. It concluded that: 'The climate of insecurity obtaining in Zimbabwe since the 2000 parliamentary elections was such that the electoral process could not be said to adequately comply with the Norms and Standards for Elections in the SADC region'.¹⁹

For its part, the COG issued an interim statement on 14 March in which General Abubakar announced that, on the basis of the observations of the group and having regard to the serious concerns that had been expressed about many aspects of the electoral process, the COG had concluded that 'the conditions in Zimbabwe did not adequately allow for the free expression of will by the electors'.²⁰

The COG report was immediately taken up by the President of South Africa, Thabo Mbeki, the President of Nigeria, Olusegun Obasanjo, and the Prime Minister of Australia, John Howard, who had been mandated by the Commonwealth heads of government earlier in the year to examine the report and to determine whether, on the basis of its findings, Zimbabwe should be suspended from the Commonwealth. On 19 March, the three leaders announced that, on the basis of the group's findings and report, it was their unanimous view that Zimbabwe should be suspended from the Commonwealth for 12 months.

Conclusion

Election observation is an inexact but evolving art. Nevertheless, its importance as a tool or process by which the integrity and legitimacy of elections can be objectively and independently assessed is widely acknowledged. It is now seen as an integral part of the electoral process in the majority of democratic countries worldwide.

The past decade has seen the development of standards and norms that provide a more consistent and professional approach by observers, both international and domestic. International organisations continue to review their operations after each electoral event and the lessons learnt form the basis of improved guidelines and practices for future practitioners.

Nevertheless, election observation is also open to legitimate criticism in that the findings of observer missions can be affected by the skills (or lack thereof), biases and preconceptions of individual observers and of the governments and organisations that sponsor them. There will never be enough observers to achieve adequate geographical coverage and there will always be difficulties of communication and language. Differences in culture, tradition and value systems will also give rise to questions about the efficacy and legitimacy of international observation. The case of Zimbabwe has shown that different observers can come to very different conclusions about the same event.

If the integrity of elections, rather than their observation, is the ultimate goal, the question arises whether the resources spent on observation could be better spent on longer-term efforts to enhance the integrity of elections 'from within' by supporting the professional development of election management bodies.

.....

Bill Gray is currently consulting on elections and alternative dispute resolution issues. From 1995–2000 he was Australian Electoral Commissioner and Chief Executive of the Australian Electoral Commission. He has observed elections as a member of Commonwealth observer groups in South Africa, Lesotho, and Trinidad and Tobago, and most recently as a member of the advance team and the Observer Group for the presidential election in Zimbabwe.

Therese Laanela is Senior Programme Officer, Elections, at International IDEA, Stockholm, Sweden. With an academic background in East Asian affairs, she worked in Cambodia as a District Electoral Supervisor for the UN-sponsored first multi-party election, and in Mozambique for the Provincial Electoral Commission.

Endnotes

¹ Data from International IDEA's Voter Turnout project: see www.idea.int/vt/analysis.

² For an overview of the development of international observation, see Horatio Boneo, 'Observation of elections' in Richard Rose (ed.), *International Encyclopedia of Elections*, Palgrave Macmillan and Congressional Quarterly Press, Basingstoke and Washington, DC, 2002.

³ UN General Assembly Resolution 217A (III), 10 December 1948; and UN General Assembly Resolution 2200A (XXI), UN document A/6316, 16 December 1966, entered into force 23 March 1976.

⁴ These organisations include International IDEA (Institute for Democracy and Electoral Assistance), Stockholm, from 1995; the Centro de Asistencia y Promoción Electoral (Center for Electoral Promotion and Assistance, CAPEL), a sub-organisation of the Inter-American Institute for Human Rights, Costa Rica, founded in 1983; the IFES (International Foundation for Election Systems), Washington, DC, established in 1987; the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), Warsaw, established in 1992 (formerly the Office for Free Elections, established in 1990); the United Nations Electoral Assistance Division, set up in 1994 (formerly the Electoral Assistance Unit); and the Electoral Institute of Southern Africa (EISA), Johannesburg, founded in 1996. Organisations with a much wider mandate have also contributed significantly to the field: the Commonwealth and the Inter-Parliamentary Union (IPU) are two of the most important. Documents include the IPU's *Free and Fair Elections: International Law and Practice*, by Guy Goodwin-Gill, Inter-Parliamentary Union, Johannesburg, 1994; International IDEA's codes of conduct on electoral administration and election observation, available at www.idea.int/publications/pub_electoral_main.htm; EISA's *Handbook for Election Observation Missions* by Gerhard Töttemeyer and Denis Kadima, Johannesburg, 2000; and the Venice Commission's 'Guidelines on elections', Venice Commission, Strasbourg, 5–6 July 2002, available at www.venice.coe.int/site/interface/english.htm.

⁵ Declaration on Criteria for Free and Fair Elections, adopted by the Inter-Parliamentary Council, Paris, 1994, available at www.ipu.org/english/structure/cnldocs/154%2Dfree.htm. The Inter-Parliamentary Council is the Council of the IPU.

⁶ The OSCE/ODIHR document 'Guidelines for reviewing a legal framework for elections' (Warsaw, 2001) is one example, codifying what should or should not be in an electoral law.

⁷ The Inter-Parliamentary Council's Declaration on Criteria for Free and Fair Elections calls for a 'neutral, impartial or balanced mechanism for the management of elections'. Some older democracies, such as the UK and Sweden, have been 'catching up' within the past two to three years by introducing independent election agencies, recognising that newer democracies, such as South Africa, are paving the way with rigour and innovation in election structures and procedure.

⁸ See note 4.

⁹ See www.aceproject.org, a comprehensive multilingual website developed by International IDEA, the IFES and the UN Department of Economic and Social Affairs, in co-operation with Elections Canada and the Federal Electoral Institute of Mexico.

¹⁰ The work of Jörgen Elklit and his colleague Palle Svensson can be found in the *Journal of Democracy*, the *International Encyclopedia of Elections* (note 2) and an annex to International IDEA's *Conference Report on the Future of Election Observation*, Copenhagen, 1998.

¹¹ Provision in the law permitting election observation is another example where the practice expected from new democracies diverges from that of the established democracies: emerging standards expect this, while many older democracies, while not necessarily explicitly averse, do not have these provisions.

¹² International IDEA, 'Guidelines for determining involvement in electoral observation', Stockholm, 2000, www.idea.int/publications/pub_electoral_main.htm, specifies certain rights for observers which should be guaranteed in advance. The following is a slightly abridged list:

- the general right to pursue observation unhindered;
- the right to receive formal accreditation;
- the right to import necessary equipment and materials;
- the right to determine the scale on which the mission will undertake observation;
- the right to travel and move throughout the country;
- the right to attend political meetings and rallies;
- the right to visit polling stations and counting centres;
- the right to contact persons and organizations with an interest in the conduct of the election, and guarantees that those persons will not be subject to reprisals;
- the right of access to documentation relating to the electoral process;
- the right to information regarding complaints about the elections; and
- the right to make public the findings of the observer mission.

¹³ International Standards of elections: document of the Copenhagen meeting of the Conference on the human dimension of the CSCE, Copenhagen, 29 June 1990, available at www.osce.org/odihr/elections/standards/view.php3?document=1. The Conference on Security and Co-operation (CSCE) became the OSCE in January 1995.

¹⁴ The Carter Center in Atlanta, GA, is a US-based NGO set up by former American President Jimmy Carter. See www.cartercenter.org.

¹⁵ This is largely thanks to the work of the National Democratic Institute (NDI), based in Washington, DC.

¹⁶ Above all, the observers, as independent assessors of the integrity of the elections, should be familiar with the basic principles on which democratic elections are based. Ideally, this requires that observers have: 'proven knowledge of electoral procedures and systems; proven ability to exercise sound judgement and the highest level of personal discretion in a politically sensitive environment; eminence in the areas of law, government or specialised aspects of the electoral process such as public education; a knowledge of the language of the host country; a knowledge of the host country and/or the region in which it is located; and appropriate standards of health, fitness and resilience'. International IDEA, 'Guidelines for determining involvement in election observation', p. 25.

¹⁷ Interview reported on BBC News Online, 14 March 2002.

¹⁸ The Zimbabwean presidential election was the seventh election the Parliamentary Forum has observed in Southern Africa since 1999.

¹⁹ Statement by the SADC Parliamentary Forum Election Observation Mission, 13 March 2002.

²⁰ Preliminary Report of the Commonwealth Observer Group, 14 March 2002.