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INSTITUTE OF ELECTORAL LAW, AT THE SUPPLEMENTARY  
HUMAN DIMENSION MEETING ON DEMOCRATIC ELECTIONS  
AND ELECTION OBSERVATION**

Vienna, 13 July 2012

**Session II: Election observation and the electoral cycle:  
before, during and after election day (with focus on legal framework,  
media, campaign finance and gender)**

Distinguished participants,  
Distinguished colleagues,  
Mr. Moderator,

The institution of international observation is undoubtedly necessary for the international community, but in a context as defined by the OSCE/CSCE participating States in 1990, namely to maintain contacts and exchange information, and not as some politicians wish to see it today – as a supranational body to which sovereign States should be accountable (cf., for example, the sixth edition of the OSCE/ODIHR Election Observation Handbook).

The agenda and modalities of the meeting are determined by those who organize it. Nevertheless, I should like to draw attention to a number of aspects that in terms of the organization and observation of democratic elections are by no means at the bottom of the list. In this particular session, instead of talking about what observation is – this has been discussed in quite some detail in the other sessions – I should like to talk about how to observe elections.

There are persistent rumours that the Office for Democratic Institutions and Human Rights (ODIHR) employs double standards and is a politically motivated organization. These rumours have also reached Russia. At the same time, we are constantly assured – and today we have repeatedly heard these assurances – that the ODIHR represents a “gold standard” for election observation, which works on a parity basis with an equal approach to all the OSCE participating States.

Given this thorny situation, the Russian Public Institute of Electoral Law (ROIIP) decided to take a closer look at what was really going on with the ODIHR and carried out a thorough analysis of the Office’s activities on the basis of published data.

We were amazed by what we found. It appears that the ODIHR leadership either does not know or does not want to know the true picture of this organization's work. But it stubbornly tries through words to convince everyone of the "high quality" of its activities.

As a study of ODIHR monitoring missions has shown, during the 20 years of its existence, the Office has sent 84 per cent of all of its monitoring missions to countries to the east of Vienna and only 16 per cent to countries to the west of Vienna.<sup>1</sup>

Over the same period of 20 years, the ODIHR has not sent a single one of its 112 full-scale election observation missions to a European Union State. Of the 40 election assessment missions, which consist of several experts, only 2 were sent to countries of the Commonwealth of Independent States.<sup>2</sup> These figures attest to a clear distortion, which many politicians from the OSCE (for some reason from Western countries) fail to notice.

In the absence of clear rules governing the monitoring procedures and the appointment of observation mission personnel, including mission heads, there is a struggle behind the scenes, in which the "strongest player" triumphs (the figures and victors are given below). What is most repugnant in this approach is that following such an "appointment", "fixed matches" in football come to mind. But whereas FIFA makes provision for accountability for mistakes or unprofessional conduct (as was the case with the referee Viktor Kassai following the EURO 2012 match between Ukraine and England), in election monitoring there are no sanctions or any other kind of insurance against mistakes or biased and non-objective refereeing. Everything is resolved unofficially.

As can be seen from the OSCE/ODIHR final reports for the period from 1995 to May 2011, 57 persons have been recruited to head OSCE/ODIHR missions. Over half of the ODIHR missions (86 in total) were headed by the same 9 specialists. What is more, 20 of the 56 OSCE participating States provided the 57 specialists recruited to head the missions, including the Netherlands on 6 occasions, Norway on 9 occasions, Germany on 12 occasions, Bulgaria on 22 occasions, the United States of America on 29 occasions and the United Kingdom on 38 occasions.

Eighty-nine (or 53.9 per cent of the) OSCE/ODIHR missions were headed by representatives of 3 of the 56 (or 5.4 per cent of the) OSCE participating States, namely the United Kingdom, the United States and Bulgaria.

Of the OSCE/ODIHR full-scale election observation missions 58 per cent were headed by citizens of OSCE participating States that have never received such a mission, and as at 1 May 2011 8 per cent of the full-scale missions had been headed by citizens of States that had never received any kind of ODIHR mission (on four occasions by representatives of Denmark and Slovenia and once by a representative of Sweden).

The figures for the practical activities of the ODIHR as regards the recruitment of observation mission heads indicate a clear disregard for the principle of the equality of the OSCE participating States as proclaimed in the 1975 Helsinki Final Act.

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1 I. B. Borisov, A. V. Ignatov, *VDIPCh OBSE v deystvii. Nablyudeniye za nablyudatelyami (OSCE/ODIHR in action. Observation of observers.)*, ROIP, 2011, 120 pages.

2 I. B. Borisov, A. V. Ignatov, *VDIPCh OBSE v deystvii. Nablyudeniye za nablyudatelyami (OSCE/ODIHR in action. Observation of observers.)*, ROIP, 2011, 120 pages.

I can't help but think of what Shakespeare said, "Something is rotten in the State of Denmark", where in 1990 the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE was adopted, which proclaimed a policy of protecting electoral rights and freedoms regardless of the form, geography, population size, culture or economic climate of a State.

Problems hampering the development of the organization and of the institution of observation in general are also apparent in other aspects of OSCE/ODIHR activities.

Today ODIHR representatives have a lot to say about the right to information. However, the ODIHR itself completely forgets about this when it receives requests for information. Following the elections of deputies to the State Duma and the Russian presidential elections, our institute (ROIIP) together with the Public Chamber of Russia twice submitted official requests to the ODIHR director and the OSCE Secretary General, Mr. Lamberto Zannier, for information contained in the questionnaires completed by the short-term observers, but instead of permission to obtain this information we received non-committal replies.

The ODIHR was established to facilitate contacts and the exchange of information (cf. the 1990 Charter of Paris for a New Europe), and Ministerial Council Decision No. 19/06 recognized the need to ensure the transparency of the observation process. It turns out that decisions adopted by the OSCE decision-making bodies are being ignored by the structural units of this organization. These are the basic signs of the "partial collapse" of any organization, signs calling for its immediate reform and return to the legal framework. In this context, we must support the representative of Kazakhstan, who believes it is necessary to take concrete steps to remedy this situation.

In conclusion, I should like to express my gratitude to the current director of the ODIHR, Mr. Janez Lenarčič, personally for his attempts to return the ODIHR to a legal framework, and to Ambassador Heidi Tagliavini (head of the ODIHR missions at the recent federal elections in Russia), who on ROIIP's initiative was awarded the N. M. Girenko public medal, named after the well-known human rights activist murdered by fascists in 2004, for her contribution to the development of democratic elections. I wish the ODIHR leadership every success in dealing with this situation more effectively and meeting the new challenges of the times.

During the break I should like to invite all participants to a round table entitled "International observation at the recent federal elections in the Russian Federation" where you will have an opportunity to learn more about the unique practices of the OSCE's work and exchange views on the lessons learned at the recent elections in Russia and their consequences for the institution of international observation.

Thank you for your attention.