



DETECTION AND PREVENTION OF POLITICALLY BIASED ELECTION OBSERVATION (“FAKE OBSERVATION”) IN THE OSCE REGION

1. Background

In the last years we observe that an increasing number of countries in the OSCE region assess election observation no longer as an instrument to improve electoral processes but as a threat to the intentional and systematic manipulation of elections in their countries. At the same time these regimes increasingly misuse the instrument of international election observation to give legitimacy to fraudulent elections through the assignment of biased election reports. These developments destroy the trust in elections and shatter the legitimacy of all institutions involved in these processes.

In 2015 EPDE has started to systematically study the quality of international election observation missions. In-depth research of international election observation missions into the following elections has been done during the:

- Parliamentary elections Azerbaijan, 1.11.2015
- Constitutional Referendum Armenia, 6.12.2015
- Parliamentary elections in the Russian Federation, 18.9.2016
- Constitutional Referendum in Azerbaijan, 26.9.2016

All reports are accessible on www.epde.org

EDPE hereby refers to the Declaration of Principles for International Election Observation and **Code of Conduct for International Election Observation**¹ along with the OSCE and Council of Europe standards of free and fair elections. With respect to that, EPDE promotes the article 6 of the aforementioned Declaration as a fundamental norm for international election observation missions:

“International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral result, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member of an international election

¹ https://www.ndi.org/sites/default/files/1923_declaration_102705_0.pdf

observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially...”

Findings:

- EPDE observes a growing tendency among authoritarian regimes in the OSCE region to **orchestrate benevolent election observation** in order to give legitimacy to fraudulent elections. For this purpose, some regimes use EOM of national and international GONGOs and invite members of European parliaments or international parliamentary bodies as PA OSCE, PACE, EP and others to voice out biased election assessments.
- EPDE observes a series of cases where **European parliamentarians individually make public assessments** of elections abroad, giving an impression to represent the position of their parliament also while their activity is not endorsed by their parliament or their faction, and when they are not member of any official EOM. By that, they discredit not only the parliament and the faction they represent but election observation as such.
- Currently, there are European parliaments which did not sufficiently elaborate **effective internal control mechanisms** (i.e. Codes of Conduct) to discourage their members from participating in biased international election observation missions. Generally, the countermeasures to prevent parliamentarians from giving public individual assessments differing from the findings and conclusions of the election observation mission they are members of are neither sufficient, not efficient.
- Also, an **increasing number of GONGOs** (governmental organized NGOs) publish assessments on election processes which are not based on any methodological election observation, while often being purely politically motivated.
- EPDE observes a tendency that election administrations in some countries of the OSCE region deliberately **deny accreditation to independent international EOM²** adhering to international standards as the ODIHR methodology or the DoP.
- Unlike OSCE/ODIHR, which has a well-established methodology as a professional international election observation institution, IEOM from CIS, PACE, OSCE PA and the European Parliament do not operate on the basis of a transparent and clearly defined **election observation methodology** for the assessment of the election process.
- So far, there are **no established mechanisms to monitor the conduct of parliamentarians participating in** observation missions of PACE, PA OSCE or the EP, or procedures to establish on which basis conclusions which significantly differ from the conclusions of the OSCE/ODIHR LTO mission have been made.
- EPDE also observes an increasing tendency to deploy election observation missions to **internationally unrecognized territories of armed conflicts** (Abkhaziya, South Ossetia, Transnistria, Nagorno-Karabakh, Crimea, Lugansk and Donetsk). By participating in such missions European parliamentarians contribute to legitimating the non-recognized regimes and undermine international law and principles of international election observation.

² EPDE was denied accreditation to the Parliamentary elections 2016 in the Russian Federation, to the Referendum 2015 in Armenia and to the Parliamentary elections 2017 in Armenia

Recommendations:

- National and regional European parliaments as well as international parliamentary bodies should **update their Codes of Conduct** for parliamentarians, hereby including special provisions for the participation in international election observation missions
- International parliamentary bodies as PACE, PA OSCE, PABSEC and others should establish “focal points on elections” - **independent commissions on ethics of election observation** that monitor the conduct of parliamentarians during international missions and their compliance with the Declaration of Principles for International Election Observation and the parliaments’ Codes of Conduct.
- Without the support from a long-term election observation mission, i.e. one organized by the OSCE/ODIHR, international parliamentary bodies as PACE, PA OSCE, EP, PABSEC and others should **refrain from observing and commenting the voting procedures solely on election day**. Such short visits would not allow the systematic, comprehensive and accurate gathering of information the Declaration of Principles for International Election Observation encompasses.
- The signatories of the Declaration of Principles for International Election Observation should assess **the exclusion of a signatory** in case the organization does not adhere to the principles
- International election experts in intergovernmental institutions, together with international civil society organizations, should make efforts to **raise the awareness among parliaments and political parties of the EU member states** that participation of parliamentarians in election observation missions with unknown methodology, goals and financial sources, harms the credibility and reputation of their institution and of international election observation.
- Increased activity of independent scholars, mass media projects and civil society organizations working on the detection of election fraud should be encouraged, and **international exchange of strategies and methods should be developed**.
- A better link and permanent coordination between the work of the OSCE/ODIHR long term observation and the political short term observation from EP, PACE, PA OSCE should be established. Findings and conclusions should be drawn only based on methodologically proper findings.
- European structures together with international civil society organizations **shall raise the awareness among parliaments and political parties of the EU member states** that the observation of elections on unrecognized territories with armed conflict (Abkhaziya, South Ossetia, Transnistria, Nagorno-Karabakh, Crimea, Lugansk and Donetsk) by their parliamentarians damages the reputation of their institutions as well as of international election observation as such.
- Political Party Factions should be made aware about the phenomenon of biased election observation and develop tools to **inform and eventually sanction their members** when participating in them.

EPDE Board
Berlin, Germany, 7 March, 2017

This policy brief was prepared by the European Platform for Democratic Elections (EPDE) to evaluate the increasing impact of politically biased election observation and to contribute to the identification of countermeasures. The Paper was developed ahead of the experts' Round table "Improving the Accountability of Parliamentarians in Election Observation" hosted by the European Parliament's Democracy and Election Group (DEG) and the EPDE on March 7th 2017 in the European Parliament in Brussels.