



ASEAN Workshop on Election Observation

Incremental Steps Towards the Establishment of an ASEAN Election
Observation Mechanism
Manila, 24–25 June 2015



Funded by
ASEAN-ROK Special Cooperation Fund

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ASEAN ELECTION OBSERVATION MECHANISM
MANILA, 24–25 JUNE 2015*



***FUNDED BY
ASEAN-ROK SPECIAL COOPERATION FUND***

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International IDEA resource on the ASEAN election observation mechanism

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Foreword

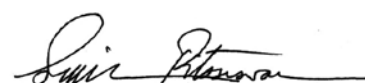
The commitment of the Association of Southeast Asian Nations (ASEAN) to the principle of ‘adherence to the rule of law, good governance, democracy and constitutional government’, is becoming increasingly relevant in the evolving and complex political landscape of the region, where democracy is being constantly challenged. The region’s democratic journey has been rather uneven and full of obstacles, although not for lack of commitment and determination. We are also witnessing an historic event in the emergence of a democratic Myanmar, while in Thailand; fervent efforts are being made to get the country back on a democratic path. Other ASEAN societies are making a similar commendable effort, with varying degrees of success appropriate to their own national contexts.

This publication is timely, and makes ASEAN’s Political and Security Community (APSC) Blueprint even more relevant for the heads of government to instill inter-state solidarity on political systems, and sharing of practical, efficient, effective norms to develop political participation based on international standards. The promotion in the ASEAN Workshop on Election Observation of the principles of democracy—including democratic institutions, popular sovereignty, electoral integrity, accountability of the political processes, people’s awareness, inclusive participation throughout the cycle of elections—is commendable. In doing so, it has enhanced the lessons contained within the conceptual framework deliberations, operational challenges, and implementation approaches to electoral observation practices of the African Union, the European Union, the Organization of American States and the Republic of Korea, all of which are relevant to the ASEAN Member States.

International IDEA has provided an opportune incremental step for the ASEAN Secretariat, and its Member States, to organically develop two new regional frameworks: the ASEAN Election Observation Mechanism and an ASEAN Election Monitoring Body in the foreseeable future. The conclusions and the recommendations are a vibrant reflection of the readiness of ASEAN Member States to consider these steps, and to fulfill the commitments and aspirations already enshrined in the framework of the APSC.

In recent years, I have been fortunate to be part of the initiatives undertaken by International IDEA, witnessing its contributory support to ASEAN, and its Member States, in strengthening the ongoing regional integration towards a common APSC.

I wish to thank everyone involved in the successful conduct of workshop.



Dr Surin Pitsuwan

Chairman of International IDEA Board of Advisors

Former Secretary-General of ASEAN

Preface - Department of Foreign Affairs of the Philippines

Year 2015 marks a milestone in the history of ASEAN as it pursues regional integration and builds a community. This year reminds us of our vision to become a community that would not only bring forth prosperity but more importantly, peace and stability in the region.

It is in this light that the Philippines wishes to contribute to the implementation of the ASEAN Political Security Community (APSC) blueprint by holding the first ever ASEAN Workshop on Election Observation. It is our hope that, through this maiden gathering of ASEAN's Election Management Bodies (EMBs), representatives from Department/Ministries of Foreign Affairs, and regional organizations involved in election observations, we in ASEAN would be enabled to uphold the principles of democracy, rule of law and good governance - principles that are enshrined in the ASEAN Charter and related documents.

This publication reflects the discussions of ASEAN EMBs and ASEAN Department/Ministries of Foreign Affairs on the methodologies and processes involved in the participation of EOMs in observing elections in some ASEAN Member States. The relationship between EMBs and EOMs and related issues was comprehensively discussed in the workshop. The forum further discussed the possibility of welcoming domestic and international Election Observation Missions (EOMs) during elections in order to give legitimacy to the sovereignty and integrity of democratic processes involved. Participants were able to discuss the importance of election observations that are transparent and accurate and the need for EOMs to cooperate with EMBs, respect the laws of the host country and global standards for domestic election monitoring, and adhere to global principles and code of conduct.

It is our desire that the basic learning's, and exchanges of ASEAN EMBs from the workshop, would serve as an impetus for ASEAN to further cooperate and develop a framework for an ASEAN Regional EMB and EOM mechanism. This could be useful in ensuring the conduct of credible elections and meaningful participation of EOMs in the upcoming elections in Myanmar, the Philippines and Thailand.

We wish to thank all the participants, speakers, organizers and supporters of the ASEAN Workshop on Election Observation.

We especially thank the Republic of Korea for its valuable support to the project.



Hon. Luis T. Cruz

Director-General

ASEAN National Secretariat of the Philippines

Preface – Commission on Elections of the Philippines

This is the Report on the first ASEAN Workshop on Election Observation, held in Manila on 24 – 25 June 2015, meticulously crafted by the organizers, to faithfully reflect the substance and the spirit of the discussions of the various representatives of the ASEAN Member States.

More than that, however, this Report represents the beginnings of what could become an ASEAN model for election observation; one that is reflective of the spirit of ASEAN while providing mechanisms which promise to ensure professionalism, neutrality, and complete transparency in international election observation within the Region.

It is clear from the Report that many, if not all, ASEAN Member States recognize the intrinsic worth of election observation. It is equally clear however, that there can be no simple transplanting of practices. This Report acknowledges that in order to institutionalise election observation as a regular feature of electoral processes in the Region, it is necessary to ensure that there must be space for the organic evolution and development of Region specific practices and norms. Most importantly, this Report lays out a road map towards that goal.

I commend International IDEA on both organizing the first ASEAN Workshop on Election Observation, and for completing this comprehensive report. Both accomplishments ought to be counted as significant milestones towards the full integration of ASEAN, and the future creation of a distinct regional electoral identity.



Hon. J. Andres D. Bautista
Chairman
Philippines Commission on Elections

Preface - International IDEA

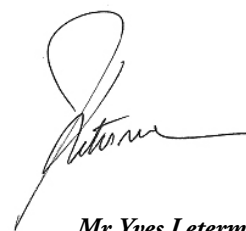
International IDEA is a global intergovernmental organization committed to supporting democracy building around the world and it is celebrating 20 years this year since its founding. IDEA has worked for several years with ASEAN partners, for example through the ASEAN Electoral Management Bodies' Forum held in Jakarta in 2011, through regional constitutional training, and through comparative discussion and training on electoral dispute resolution.

In addition, the ASEAN Secretariat has been an active and engaged partner of the Inter Regional Dialogue on Democracy convened by IDEA, in the course of which regional organizations worldwide have compared experience and discussed democracy and governance issues including electoral process, political representation, and rule of law and constitutional issues.

It is a fundamental principle of IDEA's approach that the development and building of democratic institutions within any community comes from within that community and cannot be imposed from outside, while the sharing of experience among peers can enrich and inform the process. As the ASEAN Secretariat and Member States continue to move to implement the ASEAN Charter, IDEA is thus delighted now to have been able to further support ASEAN in a practical way through this workshop. Global and regional knowledge and experience on electoral observation are brought together here as ASEAN develops and crystallizes its commitments on democracy and governance that are contained in the Charter.

The strength and success of the workshop is demonstrated not only in the outcomes recorded in this report, but in the active and lively questioning and discussion that took place during the workshop sessions. I am sure that this report will add significantly to the discussion on electoral observation and the contribution, which it can make within ASEAN.

Finally, the workshop would not have taken place without the initiative and partnership of the Ministry of Foreign Affairs and the Commission on Elections of the Republic of the Philippines, an IDEA member state, and the generous support of the Republic of Korea. I would like to express my thanks and to look forward to our continuing collaboration.



Mr Yves Leterme
*Secretary-General and
Former Prime Minister of Belgium*

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Our special thanks goes to the ASEAN Secretariat for their constant support in ensuring the full support and participation of AMS. In particular we thank H.E. Dr A K P Mochtan, Deputy Secretary-General Community and Corporate Affairs – ASEAN Secretariat for his valuable time and inputs into the workshop. We also thank Ms Ivana Agustin for all the facilitation support within ASEAN Secretariat in ensuring this project went ahead smoothly.

We are also very grateful to the experts who provided high quality inputs and clarified many of the AMS participants' concerns. The workshop and its outcomes would not have been as envisioned without their quality inputs and in shaping the dialogues and discussions, now reflected in the outcomes of this report. We express our sincere appreciation for all their efforts. In particular we thank Mr Andreas List, Mr Andrew Ellis, Ms Erni Andriani, Mr Gilles Saphy, Commissioner Hadar N. Gumay, Commissioner Luie Tito F. Guia, Mr Mark Stevens, Mr Mochammad Afifuddin, Ms Rosa Serpa, Ms Shumbana Amani Karume, and Ms Su-Yeon Kim.

We also express our thanks to all the colleagues in the Philippines, especially Hon. Juan Andres D. Bautista, Chairman of COMELEC, Hon. Luis T. Cruz, Director-General - ASEAN National Secretariat of the Philippines, H. E. Ms Elizabeth P. Buensuceso, Permanent Representative of the Republic of the Philippines to ASEAN for their leadership and support.

We also like to thank Ambassador Ma. Teresita C Daza, Ambassador Daniel Espiritu, Mr Anwar M. Ito at the Office of ASEAN Affairs – Department of Foreign Affairs, the Philippines and all the staff from his office for all the facilitations and administrative support provided.

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We also especially thank Ms May Gladys Butoy and Mrs Vincentia Indah for their administrative and financial skills while doing all the spadework and coordination with all our local and international partners and participants in troubleshooting all their concerns.

Additional thank to the Mission of the Republic of Korea to ASEAN, especially to H. E. Suh Jeong-in, Ambassador of the ROK to ASEAN. The ROK's financial support, through the ASEAN-ROK Special Cooperation Fund, fully aided the implementation of all the activities of this project.

Last but not the least, special thanks go to Mr Noel Novicio and Mrs Vanessa G. Bago-Llona at the Philippine Mission to ASEAN as well as to Mr Adhy Aman and Mr Sanjay Gathia of International IDEA for all their efforts behind the scenes to ensure the workshop brought forth fruitful discussions and outcomes and for their meticulous work in ensuring that the report goes to all the stakeholders for future actions and deliberations.

Acronyms and Abbreviations

ACWC	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIPA	ASEAN Inter-Parliamentary Assembly
ALA	ASEAN Law Association
AMS	ASEAN Member States
ANFREL	Asian Network for Free Elections
APSC	ASEAN Political Security Community
ASEAN	Association of South East Asian Nations
AU	African Union
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COMELEC	Commission on Elections of the Philippines
CPRW	Convention on the Political Rights of Women
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DECO	Department on Electoral Cooperation and Observation
DEM	Domestic Elections Monitoring
DFA	Department of Foreign Affairs
DGP	Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizens Organization and Code of Conduct for Non-Partisan Citizen Election Observers and Monitors
DO	Domestic observers
DOP	Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers
DPRD	Dewan Perwakilan Rakyat Daerah (Regional House of People's Representatives)
DRIP	Declaration on the Rights of Indigenous Peoples
EAT	Election Assessment Team
ECA	Electoral Cycle Approach
EEM	Election Expert Mission
EFM	Election Follow-up Mission
EMB	Electoral Management Body
EOM	Election Observation Mission

EU	European Union
GNDEM	Global Network of Domestic Election Monitors
HLM	High Level Meeting
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDEA	International Institute for Democracy and Electoral Assistance
IEO	International Election Observation
IO	International Observers
IPU	Inter Parliamentary Union
KPU	Komisi Pemilihan Umum / General Elections Commission of the Republic of Indonesia
LAS	League of Arab States
MOU	Memorandum of Understanding
NAMFREL	National Citizens' Movement for Free Elections
NEC-ROK	National Election Commission of the Republic of Korea
NGO	Non-Governmental Organization
OAS	Organization of American States
OSCE	Organization for Security and Co-operation in Europe
PERIOD	Guidelines on Promoting Electoral Rights of Persons with Disabilities
PIF	Pacific Islands Forum
SAARC	South Asian Association for Regional Cooperation
UDHR	Universal Declaration of Human Rights
UNCAC	United Nations Convention against Corruption

Executive Summary

I. SUMMARY

- Election Observation is an individual right, upheld in Article 25 of ICCPR, to which some of the ASEAN Member States (AMS)¹ have acceded. ICCPR encompasses independent scrutiny of the electoral process, which can be the output of purposeful gathering of information, and analysis when its report and recommendations are submitted for public perusal and policy changes.
- ‘Non-interference in the internal affairs of one another’ – one of the principles explicitly underlying ASEAN’s 1976 Treaty of Amity and Cooperation in Southeast Asia – was highlighted by some ASEAN delegates as one of the major concerns on the impact of election observation on state sovereignty and integrity.
- However elections are acknowledged to be the first step towards a legitimate government. Both the host country’s Electoral Management Body (EMB), and Election Observation Missions (EOMs) engender respect, and legitimacy towards the sovereignty of the host country, when the regional community is able to conclude on the basis of their observations, that the electoral process was conducted without prejudice or bias, in a neutral and professional manner.
- Different models in different regions of the world have undergone the process of organic learning, and development. Each has gained its own degree of credibility and legitimacy via learning-by-doing methodology, starting with problems, and challenges, moving progressively towards more efficient, effective methods, and outcomes.
- Formal relationship between EMBs and EOMs may be contained in a well-drafted MOU, on the rights, and responsibilities incorporating the global principles.
- Registration of observer organizations can be considered to be part of the formal electoral process, followed by the accreditation of individual observers. Simple, open and inclusive accreditation procedures build confidence.
- MOUs should not limit observers’ freedom of movement, information gathering, access to areas, and groups. But their actions should neither be intrusive and impinge upon the state sovereignty, nor, should it impact the integrity of the electoral process. This is an established etiquette for observing elections.
- Relationship management by host country EMBs with EOMs is crucial, it requires transparent process of engagement, constant clarification and openness, especially to explain key decisions taken by EMBs to overcome key challenges addressing political integration, electoral process and electoral integrity.
- Other regional bodies are institutionalizing follow-up actions and activities, including taking account of the entire electoral cycle for comprehensive analysis, their observer missions offer analysis and recommendations bringing other experiences to the host country. Host countries are then at liberty to choose whether to accept and develop their follow up actions, seek support from dialogue partners for capacity building and technical support and implement legislative policy changes.
- Overall we notice ASEAN states are interested to learn more about election observation through hands on experiences as well as trial missions such as that conducted during the Myanmar by-elections in 2012.

II. CONCLUSIONS

• *Enhanced common understanding by participants of the scope and rationale of election observation*

The participants were given exposure to various regional organizations like the African Union (AU), the European Union (EU), the Organization of American States (OAS), and their regional election observation missions’, the scope and rationale of election observation, different methodologies, and the various types of EOMs being used during the various stages of the electoral cycle.

The speakers emphasized that the conduct of election observation should be transparent and accurate and EOMs should cooperate with EMBs, adhere fully to the law of the host country, respecting global standards for domestic election monitoring and adhere to global principles and codes of conduct.

¹. Present status of AMS: Cambodia [Signatory - 17 Oct 1980, Accession - 26 May 1992], Indonesia [Accession - 23 Feb 2006], Lao People’s Democratic Republic [Signatory - 7 Dec 2000, Ratification - 25 Sept 2009], Philippines [Signatory - 19 Dec 1966, Ratification 23 Oct 1986], Thailand [Accession - 29 Oct 1996], and Viet Nam [Accession - 24 Sept 1982]. Source: https://treaties.un.org/pages/viewdetails.aspx?chapter=4&src=treaty&cmdtsg_no=iv-4&lang=en

Competition between EOMs to show their results to the public first without credibility and accountability should be avoided and discouraged.

EOMs should fully cooperate with EMBs, uphold all international principles, law of the land, and its constitution while undertaking a free and fair election observation, being impartial in their assessment of the electoral process irrespective of its outcome.

EOMs' quality of reporting and recommendations are more important than the number of recommendations, and observer missions should avoid unnecessary criticism, which expresses their disappointment with EMBs or the electoral processes.

- ***Enhanced knowledge by participants of election observation methodologies and their challenges***

The resource persons from IDEA, the AU, the EU and the OAS shared their respective experiences on the advantages and disadvantages of the different methodologies they use. Issues included the roles of short term, long term, expert missions; the use of international and local observers; the mixing of experienced observers with new observers to increase the observer pool; and bringing thematic experts, for example gender experts to examine gender perspectives in the host country's electoral cycle and local laws.

Particular emphasis was placed on the MoUs signed with the host country's EMB, and the necessity for a formal invitation to be issued for the observation to take place.

Each regional grouping emphasized the contribution to election observation by various international, regional and local groups, and the role these played in deploying observers, both international and domestic.

Participants were made aware of the challenges faced by each group due to their particular focus and mandate.

The common theme among all the speakers was that ASEAN EMBs, and host governments, should be open minded to the possibility of having domestic and international EOMs, should not view EOMs as impinging on sovereignty, and interfering in internal affairs of the state. They rather should be looked upon as opportunities to develop, modify, expand, reform and give strength to: the constitution, charter, EMBs and other government institutions involved in the electoral process. In so doing an EOM can potentially bring greater credibility to the governance of the country.

- ***Enhanced understanding by participants of the experiences of regional organizations in observing elections***

During the workshop, participants and presenters alike were able to share their experiences and exchange their views on possible improvements to their methodologies. Experiences in the relationships and dynamics between election management bodies and election observers were also highlighted.

Prior to the official release of an observations' report, the EOMs, EMBs and concerned government bodies, should engage each other for dialogue on the findings, and the draft recommendations proposed by the EOM observer team, thereby creating mutual respect, and trust with the host government and EMBs.

Regional observers should be seen as peers, who are familiar with the regional context, and facilitated to view and analyze elections of the host country. This can promote both regional institutionalization of the practice of an ASEAN EOM and host country learning, thereby contributing to the overall development of the ASEAN Political Security Community (APSC), regional peace, harmony and integration.

- ***Enhanced understanding by participants of the roles and relationships between election management bodies and election observers***

During the workshop, participants were exposed to the dynamics between election management bodies and election observers, which can cause additional challenges if an MoU between the two during the electoral period is lacking. A well thought out MoU can also create dialogue spaces for discussing reform during the post-electoral period.

Electoral integrity is a fundamental element of democracy, electoral observers can play a vital role, raising voter confidence, reassurance, providing credible and essential feedbacks before, during the elections, and after the elections are over. EMBs working with dialogue partners and EOMs can share ideas, experiences and provide constructive recommendations for future electoral cycles.

EMB independence, voter registration, media freedom, freedom of movement, women's participation, the use of money in campaigns and political financing, are all key issues, which may be addressed during the implementation of the electoral cycle, and for the credible elections recognition by the regional, and international community.

Election follow-up missions (EFM) held about a year after elections should be based upon the host country's electoral cycle approach, and can assess the political will (of political parties and other responsible actors, not just EMBs) for institutionalizing processes, implementing recommendations, follow up actions, including resources (human and financial) availability and their allocation for achieving results.

III. RECOMMENDATIONS

AMS aim to create an ASEAN Community by 2015 and focus on regional harmony in a post-integration setup. The ASEAN Charter adopted in 2007 proves ASEAN's commitment to the principles of 'adherence to the rule of law, good governance, democracy and constitutional government'. The APSC blueprint commits ASEAN to:

- Promote the principles of democracy, e.g. by convening seminars, training programmes and other capacity building activities for government officials, think-tanks and relevant civil society organisations to exchange views, sharing experiences and promote democracy and democratic institutions. (A.1.8.ii)
- Conduct annual research on experiences and lessons-learned of democracy aimed at enhancing the adherences to the principles of democracy. (A.1.8.iii)²

The participants' recommendations from the post-workshop evaluation (Section 14), can be broadly categorized into the following:

ASEAN Network of Election Monitoring Bodies

- a. Develop a Secretariat of a regional EMB network linked to ASEAN Secretariat. An Inter-governmental organization such as International IDEA may initially provide its services as the Secretariat, consisting of one or two people to initiate the process, supported by dialogue partners (DPs).

- b. Facilitate strengthening of the network and management, and facilitate communication and partnership between EMBs either bilaterally or multilaterally.
- c. Capacity development via workshops, staff exchanges, seminars, forums, exposure visits, sharing resource materials, and other mutually agreed actions.
- d. The network will have to be accredited to ASEAN: the ASEAN Secretariat has offered assistance in providing advice on the procedures. As a requirement, EMBs of the network would need to establish their participation through a mutual agreement.
- e. A timeline should be set to establish the network, enabling it to respond to upcoming elections in the ASEAN region.
- f. AMS that do not wish to invite international observers should not feel obligated to do so: when other AMS do, however, representatives from all AMS may want to take part in certain missions for enhancing their understanding of election observation, capacity development, and getting first hand exposure to election observation processes.
- g. ASEAN EMBs in need of capacity development should, with the facilitation of the ASEAN Secretariat and other relevant inter-governmental organizations, engage and work with Dialogue Partners and International assistance providers for strengthening their electoral processes and institutions through understanding the international framework on election observation, international principles of free and fair elections, and the code of conduct essential for undertaking any election observation mission.
- h. Upcoming general elections in Myanmar, Indonesia³, the Philippines, and Thailand provide good opportunities for a timely specific thematic focus-based election observation trials, as the first step, to be undertaken for capacity building and development of the framework ASEAN Network of EMBs and if desirable, towards policy and procedures for EOMs. Lessons learnt from these elections could provide ASEAN member states with good inputs for building and strengthening their respective electoral processes.

² Excerpts from the Message by Dr Surin Pitsuwan, Secretary-General of ASEAN, at the ASEAN Electoral Management Bodies' Forum, 'Inspiring Credible ASEAN Electoral Management Bodies', Jakarta 3 – 5 October 2011. Source: <http://www.asean.org/resources/2012-02-10-08-47-56/speeches-statements-of-the-former-secretaries-general-of-asean/item/message-by-dr-surin-pitsuwan-secretary-general-of-asean-at-the-asean-electoral-management-bodies-forum-inspiring-credible-asean-electoral-management-bodies>

³ Simultaneous Head of Region Elections (in 64 provinces and regencies/cities) on 9 December 2015 – legally, they are all general elections.

Election Observation

- a. Further exposure for MFAs and EMBs towards the conduct, procedures, mechanisms, roles, responsibilities, and limitations of EOMs. For example, by taking part in EOMs organized by other regional organizations or other EOMs.
 - b. ASEAN Member States (AMS) should determine ASEAN's response to invitations from either member states or outside the region, e.g. upcoming elections in Myanmar, Philippines, Thailand and Indonesia.
 - c. ASEAN EMBs, International IDEA and dialogue partners should open dialogue and engage the AMS High Level Task Force on ASEAN Community Vision 2025 to get election observation expressed within the ASEAN political cooperation agenda.
 - d. ASEAN EMBs should consider engaging more with EOMs, using the global Declaration of Principles and Code of Conduct as a base for their accountability during election observation. A good example is the use of the code by the Union Election Commission (UEC) of Myanmar in developing their Election Monitoring Code of Conduct, detailing basic rules that will apply to both local and international observers.
 - e. ASEAN EMBs should consider working together, to develop network, connection, facilitate experience sharing, and learning on electoral processes and EOMs, under the umbrella of ASEAN Network of EMBs, including participating in EOMs within the AMS and beyond.
- b. National Follow-up Workshops & Seminars
 - To build towards a AMS response through ASEAN's own regional mechanism before ASEAN EOMs become fully institutionalized, IDEA and ASEAN Secretariat can organize national follow-up workshops with election commissions engaging key stakeholders from Ministry of Foreign Affairs, other ministries, national human rights institutions, CSOs, NGOs and academic institutions.
 - These activities will provide ECs, MFAs, and IDEA with key recommendations and inputs for the development of the regional EMB network, building credibility and legitimacy for its transparency and inclusiveness.
 - c. National and Regional Capacity Building Activity
 - AMS ECs along with IDEA could jointly provide the benchmark election observation training BRIDGE: A Course on Electoral Processes to the key stakeholders identified as a step in building up national technical capability for election observation missions at regional level.
 - Key participants from national workshops and activities could come together for a regional experience sharing on simulation workshops on *Organising ASEAN EOM*, before any regional mission deployment.
 - EC staff those who successfully pass could be further technically skilled under the BRIDGE: Facilitators Accreditation Programme.

Post-Workshop Actions and Activities

- a. Upcoming Elections and Opportunities in AMS
 - Based on the tentative dates declared by various AMS, Myanmar General Elections on 8 November 2015, the Philippines Presidential and Vice Presidential Elections on 9 May 2016, Indonesian General Elections 2019, and Thailand General Elections sometime in 2017 (undecided) present opportunities to ASEAN and IDEA in putting together a regional framework for elections observation as trials and learning opportunities.
 - ASEAN EOM presents opportunities for lessons learnt from these experiences in evolving, and developing, an ASEAN Election Observation Mechanism, and an ASEAN Election Management Body, at par with its international counterparts in the AU, the EU and the OAS.
- d. ASEAN Secretariat & IDEA: Engaging Partners for Dialogue and Legal Ratification
 - AMS, ECs and IDEA would require dialogue with some of the key ASEAN bodies at regional level for any ASEAN Election Observation Mechanism to be legally created and given legal legitimacy in order to provide unhindered support for access to elections being held in the region. Some of these bodies to be engaged are ASEAN Summit, ASEAN Coordinating Council, ASEAN Community Councils, ASEAN Committee of Permanent Representatives, ASEAN National Secretariats, ASEAN Secretariat, AICHR, ACWC, ASEANPOL, AIPA, and ASEAN Law Association.

e. Asian Engagement with other EMBs

- IDEA could facilitate an Asia Regional experience sharing with other EMBs sometime in 2016, which could provide opportunity for the ASEAN region to both share and learn from other Asian experiences on election observation. Key countries to be considered for experience sharing may include Nepal, Sri Lanka, Afghanistan, Bangladesh, and countries from the Central Asian region.
- IDEA could also engage the Election Commission of India to share its long-standing experience of managing large scale general and state elections, implementing electoral laws, and its checks and balances to ensure free and fair elections by an EMB.

f. Engaging ASEAN & Asian Civil Society

- IDEA and ASEAN Secretariat can gradually facilitate the participation as dialogue partners of various groups working at regional, sub-regional and national level for the electoral rights of vulnerable groups, minorities, women, and physically challenged people, ensuring that the right to vote is upheld with the utmost respect by EMBs and the legal framework developed is reflective of the inclusive goal of the ASEAN Political Security Community.



Picture 1: ASEAN workshop in progress. Photo credit: DFA

Introduction and Background

I. BACKGROUND

Elections can either further democracy, development, human rights and security, or undermine them. For this reason, promoting and protecting the integrity of elections is critically important. Only when elections are credible can they legitimize governments and effectively safeguard the right of citizens to exercise their political rights. The integrity of elections is becoming more important in international thinking, as is demonstrated in the report and recommendations of the Global Commission on Democracy, Elections and Security (September 2012).

Ultimately, protecting and promoting the integrity of elections is the responsibility of all national stakeholders. To this end, states not only pass legislation, set up institutions or draw up codes of conduct and other enforcement mechanisms at the national level, but also commit themselves to regional and international obligations and commitments on democracy and elections. This is where regional organizations draw their respective mandates to work on elections. Regional organizations are becoming increasingly crucial in providing democracy support and promotion in their own areas of the world. Election observation is globally recognized as an effective instrument to achieve these goals, no longer merely in terms of fraud prevention and conflict mitigation, but especially in terms of following up demands and recommendations for democratic reform in the post electoral period. Some regional organizations also provide technical assistance or cooperate on the implementation of recommendations emanating from election observation missions (EOMs), which seek to improve or correct specific aspects emerging from democratic elections.

International election observation has come a long way in more than 20 years of continuous activity. From the unstructured activities that took place in the 1960s to the 1980s (which often served to rubber-stamp elections), through to the hard lessons learned in the early 1990s, international election observation evolved in the new millennium to become a serious and rigorous undertaking, and is now widely recognized as a crucial instrument for democracy support. The global evolution of international election observation is well encapsulated in the Declaration of Principles for International Election Observation and Code of

Conduct for International Election Observers endorsed in 2005.

Regional organizations, as articulators at the regional levels of universal norms, are uniquely placed to perform efficient, and cost effective election observation. Furthermore, they are also in a unique position to contribute to the implementation of the follow-up to the recommendations of the election observation missions, and to facilitate the understanding by national interlocutors of the reforms needed to meet regional and international obligations.

The Organization of American States (OAS) started to monitor elections in the 1960s. The African Union (AU), the European Union (EU), the League of Arab States (LAS), and the Pacific Islands Forum (PIF) are all currently undertaking EOMs. The South Asian Association for Regional Cooperation (SAARC) has undertaken EOMs in the past. The Association of South-East Asian Nations (ASEAN) has so far conducted a limited observation mission in Myanmar for the by-elections in 2012, and is currently considering the feasibility of the conduct of election observation in the region. In the past five years, the efforts from regional organizations around the world to become more effectively involved in election observation have increased considerably. The OAS, AU, and PIF have signed the aforementioned Declaration of Principles for International Election Observation, and have taken several steps to develop a long-term observation methodology.

The experiences of regional organizations in election observation are diverse. While some regional organizations have clear guidelines on election observation and assistance, for example, the AU, EU, OAS, PIF, and the Organization for Security and Cooperation in Europe (OSCE). Except for the PIF, those organizations also undertake technical assistance or cooperation. Some regional organizations seek to observe throughout the full electoral cycle, while others, often due to resource constraints, have not been able to achieve this. Although most electoral observation by regional organizations relates specifically to the electoral process, the PIF observation in Nauru is an example of a remit that covered more general issues related to the functioning of the political framework and process.

The diversity of experiences of the regional organizations in promoting and protecting the integrity of elections was at the core of the discussions held during the First High Level Meeting of the Inter-Regional Dialogue on Democracy. In order to continue the productive dialogue and exchange on the topic of election integrity, the heads of regional organizations agreed that the first activity of the Inter-Regional Dialogue on Democracy would focus on regional organizations, and their role in promoting and protecting the integrity of elections. It is in this regard that the Inter-Regional Workshop on 'Regional Organisations and the Integrity of Electoral Processes' took place from 13 to 15 December 2011 with the aim to facilitate sharing of experiences and lessons learned by regional organizations, and provide inputs to institutional and professional development in the field of elections.

During the workshop, representatives of the regional organizations had the occasion to exchange their views on election observation best practice. What emerged was the great variety in the practice of election observation among the regional organizations. The AU, EU, and OAS have moved from ad-hoc election observation to institutionalize election observation, professionalize their observers and set up dedicated unit within their organizations to oversee to the process of organizing election observation missions (EOMs). Other organizations like the PIF and LAS still have an ad hoc approach to election observation and are trying to move forward. Organizations like ASEAN and SAARC do not practice election observation (except in some isolated circumstances) but would like to build their capacity in this field. The regional organization officials, despite stressing their regional peculiarities and differences in approach, acknowledged that they face common challenges and could learn from each other's approaches to address these.

Inspired by the outputs of the Workshop, the Department of Foreign Affairs of the Republic of the Philippines (DFA), the Commission on Elections of the Philippines (COMELEC), and, the International Institute for Democracy and Electoral Assistance (IDEA), agreed to cooperate in organizing a workshop on election observation, inviting participants from all ASEAN member states. The workshop was held in Manila, the Philippines in June 2015.

II. INTRODUCTION

The ASEAN Workshop on Election Observation took place in Manila, the Philippines, on 24 – 25 June 2015. As ASEAN continued to consider the feasibility of the conduct of election observation in the region, an ASEAN workshop that introduces the basics of election observation, its various forms, methodological issues, as well as the experiences of other regional organizations that are peers of ASEAN, became an important input to its internal policy discussions. In addition to defining options for the ASEAN election observation model, the Workshop aimed to provide another opportunity for ASEAN electoral management bodies (EMBs), and, other relevant stakeholders to get together in the context of an *ASEAN Electoral Community*, coined at the first-ever ASEAN EMB Forum held in Jakarta, Indonesia, in September 2011.

Apart from the basics, the Workshop also used the various international global documents available in the field of election observation. International IDEA is a signatory of the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, and a supporter of the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, which govern international and domestic election observers respectively. Understanding both sets of principles would warrant greater understanding of the frameworks election observation missions fall within and the international obligations for elections to which ASEAN states have already subscribed. IDEA's publication *International Obligations for Elections: The New IDEA Guidelines* offers national and international stakeholders a user-friendly reference tool to assess legal frameworks against United Nations obligations and precedent in the field of democratic elections.

The Workshop is a manifestation of the *ASEAN Political Security Community Blueprint* action lines A.1.1.iii.) *Endeavour to compile best practices of voluntary electoral observations; and, A.1.1.ii.) Hold seminars/workshops to share experiences on democratic institutions, gender mainstreaming and popular participation.*

III. OBJECTIVES

Workshop objectives include:

a) Enhanced participants' common understanding of the scope and rationale of election observation

During the workshop, participants discussed the reasons behind regional organizations' and international NGOs' intentions on observing its member states or third countries' elections, including the universal principles they uphold. Participants also discussed and learnt about the types of election observation and its impacts. Differences between international and domestic observation, regional organizations and international NGO missions, as well as expert missions as opposed to 'full' missions were discussed.

b) Enhanced participants' knowledge of election observation methodologies and their challenges

During the workshop, participants discussed advantages and disadvantages of the different methodologies used by different regional organizations and international NGOs in deploying and implementing EOMs. Presenters from those regional organizations and international experts were resource persons.

c) Enhanced participants' understanding of the experiences of regional organizations in observing elections

During the workshop, participants and presenters alike shared their experiences and exchanged views on possible improvements to their methodologies and impacts. Experiences in the relationships and dynamics between election management bodies and election observers were also highlighted.

d) Enhanced participants' understanding of the roles and relationships between election management bodies and election observers

During the workshop, the dynamics between election management bodies and election observers were discussed. It is often non-existent during the pre-electoral period. It can be a distraction during the electoral period if not managed well and dialogue spaces for discussing reform during the post-electoral period still see a lot of room for improvement.

IV. PARTICIPANTS

Participants of the Workshop included:

- Representatives from ASEAN member states Ministry of Foreign Affairs and/or their Permanent Missions to ASEAN (2 per state = 20 in total);
- Election Management Body leaders from ASEAN member states – all states except Brunei (2 per state = 18 in total);
- Representatives from the Republic of Korea (3 in total);
- Representatives from regional organizations that conduct election observations, such as the OAS, EU, OSCE, AU (1 per organisation = 4 in total);
- Representatives from the Workshop's partner organizations (2 per organisation = 6 in total); and
- Resource persons and experts other than those above (4 in total).

The Partners committed to do their utmost to ensure equal gender representation. The number of participants was around 60 persons.

V. METHODOLOGY

The workshop combined presentations, plenary discussions and breakout sessions.

Plenary presentations during the morning of Day 1 discussed the rationale behind election observation in general, including its potential political nature and how to undermine it. The principles governing international and domestic election observation were an important part of that discussion as they frame the proper conduct of election observation.

The second half of Day 1 allowed regional organizations to present how they conduct observation as well as share their successes and the challenges they often face. The sessions were run in a 'world café' setting to allow participants to attend all breakout sessions. The breakout groups allowed more interactive discussions compared to plenaries. Although the presenters had to make the same presentation to different audiences on several occasions, this enabled better understanding and generated livelier discussions.

Day 2 started with a plenary discussion on the role and relationship between election management bodies and election observers, particularly how to manage this

relationship during the electoral period, and also on the role of recommendations made by the international election observation missions in protecting and strengthening the integrity of elections during the post-electoral period. The recent trends in observing elections are not only to deter fraud and ensure the free and fair conduct of elections, but are also aimed towards strengthening the longer term infrastructure of electoral institutions and processes. Recommendations found in election observer reports are increasingly geared towards the broader areas of political and electoral reforms.

The breakaway sessions during the afternoon of Day 2 saw different methodologies for observing elections discussed, including observation of access to elections, observation of new voting technologies and gender mainstreaming. Presenters were asked explain challenges that they face. As for the afternoon of Day 1, this was conducted in a 'world café' setting and followed by a short plenary session to close the workshop.

Please refer to the Agenda for a closer look at the proceedings.

VI. OUTPUTS

This report captures the presentations and discussions about the scope and rationale of election observation, the various methodologies and their challenges, the experiences of regional organizations in the field of election observation as well as conclusions on the discussion about the relationship between electoral management bodies and election observers.

The report is to be distributed among ASEAN member states, the ASEAN Secretariat, participating regional organizations and workshop participants.

VII. PARTNERS' RESPONSIBILITIES

a) International IDEA agreed to:

- Make its competent staff available to facilitate and make presentations at the workshop;
- Assist fundraising efforts from existing democratic development funds available for ASEAN, particularly in developing the Project Proposal based on this Concept Note;
- Draft the concept note and agenda and present them to all partners;
- Propose potential presenters and participants;

- Brief presenters and organize their travel;
- Communicate with and seize the participation of other regional organizations; and
- With the support of other partners, draft the Workshop Report.

b) The Department of the Foreign Affairs of the Philippines agreed to:

- Make its competent staff available to serve in the Secretariat;
- Lead fundraising efforts from existing democratic development funds available for ASEAN, particularly in approaching those bilateral donor agencies that provide funds for ASEAN activities;
- Propose potential presenters and participants;
- Produce and send invitations to presenters and participants;
- Facilitate provision of travel visas where applicable; and
- Facilitate relations with international and national media.

c) The Commission on Elections of the Philippines agreed to:

- Make its competent staff available to facilitate, make presentations and handle on site logistics at the Workshop;
- Identify the venue and ensure the proper setting of the venue, materials and equipment;
- Organize accommodation for presenters and participants; and
- Provide workshop support materials in time to ensure that participants are familiarized with materials before the workshop.

1. Why Observe Elections?

This plenary session highlighted the need for observing elections as an important internationally upheld principle and its acceptance by many countries around the world as part of ‘the electoral cycle approach’.

*Mr Andrew Ellis, Interim Regional Director for Asia Pacific Region, International IDEA, presented, **Rationale behind election observation.** This focused on the foundation of election observation missions, concepts, and experiences of international organizations in conducting election observation missions; the relevance and importance of election observation missions to the integrity, objectivity and credibility of elections; and the historical evolution of observation missions from a country perspective to regional and international norm and practice.*

*Ms Su-Yeon Kim, Director of the International Cooperation Division, National Election Commission of the Republic of Korea (NEC), presented **Different kinds of Election Observation.** She discussed the general definitions and basic principles of election observation, the different types of election observations and the role of EMBs. Ms Kim defined and described the two main types of election observation: domestic and international election observation. However, a new type of election observation, regional election observation, has been developed to overcome the innate weaknesses of the former two. The session ended with background on the Korean election observation system as a sample/model.*

*Commissioner Luie F. Guia, Commission on Elections (COMELEC), Philippines, presented, **Different sets of principles governing international and domestic election observation.** He covered election observation principles; sources of fundamental election principles; other sources of principles; genuine democratic elections; global principles of election observation; international election observation; principles of international election observation and principles on domestic monitoring.*



*Picture 2 Andrew Ellis on the Electoral Cycle
Photo credit: DFA*

Mr Andreas List, an Austrian diplomat serving as the EU Senior Coordinator for ASEAN of the European Union Delegation in Jakarta, and, also an expert on political-economic issues in Southeast Asia and EU-related topics, particularly involving media. General concepts and principles pertaining to media: what electoral authorities want during the process of elections; the backdrop or the local political context in which media functions; key media principle; and, the media policy for electoral authorities.

I. RATIONALE BEHIND ELECTION OBSERVATION

Presentation by Mr Andrew Ellis, Interim Regional Director for Asia Pacific Region, International IDEA

Opening his presentation with ‘The Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers (DOP) 2005’, as a ‘leading international text’ on international election observation missions, first initiated, discussed and agreed in at the United Nations (UN) in 2005 and endorsed by 49 organizations. Mr Ellis said that ‘...the Declaration defines the principles for conducting observations in a manner that is systematic, comprehensive and accurate

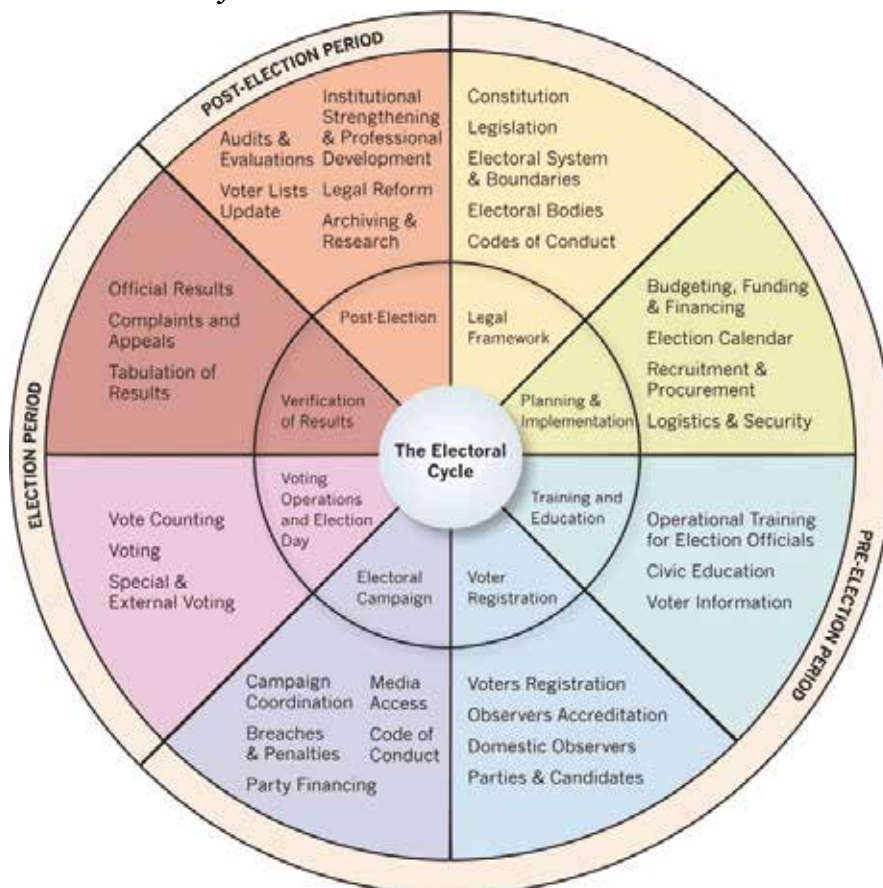
in gathering information concerning the laws, processes and institutions related to the conduct of elections...and other factors concerning the overall electoral environment; impartial and professional in analyzing information; and, something that draws conclusions about the character of electoral processes based on the highest standards of accuracy and impartiality.

Emphasizing that 'elections are high-profile and high status', and, thus to help achieve integrity of elections, there is a need for international standards to regulate how election observation missions are conducted. It is due to this 'high' nature, elections have become prone to rigging, resulting in lack of trust in electoral institutions, electoral process, and ultimately in the electoral results. Such situations demand the need for a third party to monitor, and observe on elections.

The election observation history has its roots from the roles of UN, and other regional organizations in the past, covering individual countries elections, such as, UN in Korea (1948), UN in Togo (1956, and 1958), OAS (1962 onwards), OAU/African Union (1989 onwards), Francophonie/France (1992 onwards), EU (1994 onwards), and PIF (2001 onwards).

Over the years, regional organizations have come to play an important role in international election observation missions in various regions that has ultimately become a global exercise. Election observation missions have become an integral part of electoral integrity and objectivity. He stressed that the extent of the geographical coverage of **international observers** in a mission could be limited. A case in point is their inability to observe all areas (e.g., precincts), due to size (number of volunteers) and constraints of the observation mission. However, international observers partner with their local counterparts or **domestic observers**, such as non-governmental organizations (NGOs) who may have familiarity with the realities on the ground, and people as voters.

Figure 1: IDEA - The Electoral Cycle



Source: 'The Electoral Cycle', International IDEA, <<http://ecycle.idea.int/>>

Therefore, 'it is always the domestic observers who are in a better position'. Observers are constrained to cover all the electoral process. Highlighting the case of NAMFREL in the Philippines, which played big role as 'domestic observers' during the 1980s and afterwards, thereby contributing to the ongoing transition of the Philippine government from an authoritarian to a democratic regime, Mr Ellis stated that domestic observers were also active in western countries during the 1990s.

The conduct of '...observation [missions] supports the integrity of elections worldwide...', and should touch on all aspects throughout the election process, covering – a.) Technical and administrative; b.) Legal and institutional framework; and, c.) Political context, culture, and environment. The conduct of observation therefore should cover all the stages of the electoral cycle (i.e. before, during and after elections), from legislation, drawing the election framework, planning and budgeting, training and education, registration of voters, election campaign, polling, counting and tabulating, declaring results, dealing with arising disputes, reviewing what went wrong, thinking how to improve the next electoral process, etc.

Election observation missions can facilitate achieve the following:

- **Raising voter confidence, and providing reassurance** (for whatever reasons, for instance, arising from mistrust to electoral institutions.
- **Feedback opportunity during the electoral process** - Observers have an opportunity to give feedback on what they see. 'Observing is not a police function but a dialogue function' that allows for a mechanism where one is able to see others' vantage point through feedback by observer missions.
- **Sharing of ideas and experience** – general experiences of other countries, or particular experiences of parts (sector) of a society in a country can help improve their electoral processes

- **Input when participants' expectations are dashed** - elections observers can give an important feedback through reports in convincing a losing candidate (be it incumbent or not) that an election results was not fraudulent but rather based on a clean and fair electoral process.⁴
- **Constructive recommendations for future electoral cycle** - observers can make constructive recommendations about lessons learned that can be applied in the future.

Answering the question, 'what do observers measure to assess an election process?', Mr. Ellis emphasized the use of international conventions, commitments and instruments used as the basis for assessing electoral processes. As most of the countries have acceded to international instruments, for example the *International Covenant of Civil and Political Rights (ICCPR)*, the focus is about the rights and opportunities to participate in public affairs.

ICCPR contains requirements that state parties should take steps to apply locally the rights stipulated in the Covenant in accordance with their respective constitutions. Article 25 of the Covenant states that,

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- a) *To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- b) *To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and*
- c) *To have access, on general terms of equality, to public service in his country.*

Public affairs, is 'a broad concept, which relates to the exercise of political power, in particular the exercise of legislative, executive and administrative powers. It covers all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels', these are an 'individual held right and not by any sector or group or cliques.'

⁴ At this juncture, the speaker mentioned about observation missions conducted by international observation missions in Bulgaria in 1990 and Zambia in 1991 (President Kenneth Kaunda), and how these engagements played a role in allaying concerns of losing parties and candidates that led to their eventual acceptance of the election results.

UN's ICCPR is an important election instrument that is under the jurisdiction of Human Rights Committee (HRC), it is also a UN Treaty Body that codifies the interpretation of the covenant through general comments. In its interpretation of the ICCPR General Comment 25, the Committee emphasises that, '*...there should be independent scrutiny of the voting and counting process and access to judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes...*'.

Mr Ellis ended his presentation stating that the ASEAN Community has potential to develop its regional election observation body, and for that it has the support of the international community.

II. DIFFERENT KINDS OF ELECTION OBSERVATION

Presentation by Ms Su-Yeon Kim, International Cooperation Division, National Election Commission (NEC), Republic of Korea

Acknowledging the efforts of the organizers (DFA, COMELEC, ASEAN Secretariat, International IDEA and others), in holding the first ASEAN Workshop on Election Observation, Ms Kim, cited Republic of Korea (ROK) as a good candidate and example in holding electoral observation processes. Historically, the UN set up a Temporary Commission comprised of observers from Australia, Canada, China, El Salvador, UK and the Philippines to oversee the electoral processes in 1948, just three years after its independence from Japan in 1945. ROK was able to develop itself into full

democracy since then and has been involved in many international election observation groups for the development and enhancement of democratic processes in the system. Presently, NEC has been invited to observe elections in Uzbekistan, Kazakhstan, and the Congressional elections in Mexico.

Election Observation, for NEC-ROK is defined as, '*... the purposeful gathering of information regarding the electoral process, and the making of informed judgments on the conduct of such process on the basis of information collected...*'; conducted '*...by persons, who are not inherently authorized to intervene in the process, and whose involvement in mediation or technical assistance activities should not jeopardize their main observation responsibilities...*'.

The Basic Principle of Election Observation is that it '*...must be transparent and accurate...*', and specifically, uphold the principles that guide election observers that they must:

- (a.) recognize and respect the sovereignty of the host country;
- (b.) be non-partisan and neutral; and
- (c.) be comprehensive in their review of the election.

The main purpose of election observation is to assess the quality of observations and then offer recommendations. In the past, observation was limited to the election day only, while the trend nowadays is for long term observation missions, which involves observing all the processes included in the elections — before, during, and post election.



Picture 3 Ms Kim sharing her presentation. Photo credit: DFA



Picture 4 Korean Election Observation System. Photo credit: National Election Commission, Republic of Korea

Ms. Kim, further elaborated that there are two (2) main types of Election Observation:

1. **Domestic election observation:** conducted by domestic observers, such as CSOs/NGOs. This type of observation lends itself well to long-term observation as observers can easily keep watch within the country, since they are quite knowledgeable about the political and legal situation of the country and national and local context. This type of observation, however, has certain weaknesses, as there is a possibility that the parties or the government can influence observers. Even if this were not true, and even if the observers announce the election as having been fair, people may question the former's fairness and objectivity.
2. **International election observation:** conducted by international organizations or international election monitoring bodies 'the observers' objectivity is guaranteed. The 2005 Declaration of Principles of International Election Observation and the Code of Conduct for International Election Observers drafted and endorsed by around 49 countries is one of the best examples of the benchmarks and standards that international observation should adopt and adhere too.

In addition, there are basic distinctions about international election observation:

- (a.) There should be an official invitation from the host country; and
 - (b.) The responsibilities expected of the parties involved is clearly stipulated under the law.
- Several situations require international election observation:

- a. Elections held in an attempt to resolve a conflict;
- b. Elections held as a first step toward establishing legitimate representative government in post-war situations;
- c. Elections held for the first time after independence;

The Republic of Korea in 1948 falls under the second, and third category. Just like domestic election observation, international election observation too has its weaknesses:

- a. Hard to conduct long-term missions;
- b. Hard to know the exact situation the host country is facing;
- c. Is useless if the government does not have the willpower for the democratic government;
- d. Would not be applicable to non democratic governments holding the elections, and;
- e. Viewed as 'justifying the government born from the given elections'.

A third type of election observation emerged from the aforementioned weaknesses and endorsed by organizations—Regional observation:

- a. A mixture of the international missions and domestic missions (ASEAN for example);
- b. Maintains the objectivity that international observation missions have; and
- c. Have a better understanding of the specialized situation of the host country.

Regional missions may also conduct any agreed long-term observation.

Ms Kim also introduced the concept of ‘**expert missions**’, which focus on candidate registration, voter registration, and involvement in electoral disputes, election lawsuits, specific issues such as ‘gender, and the rights of the persons with disabilities.’

She emphasized that experts in the particular field participate, and EMBs encourage the missions to focus on that particular field, segment or thematic issue. Expert missions thus get involved in systematic analysis, and experts may offer advice and insight.

In contrast, a ‘**full observation**’ involves looking into the overall election process, although one weakness is that it is more difficult to make a professional assessment.

The EMBs role during all such observer missions is to focus on:



Picture 5 IOs for 2014 Korean Local Elections
Photo credit: National Election Commission, Republic of Korea

- a. Legal systems that facilitate the election observation, including granting permission;
- b. Mutual cooperation to practically access election information, and to participate in the entire election process; and,
- c. Be ‘open minded’ to the recommendations from the election observation missions.

Case of South Korea Election Observation

Ms Kim discussed the Korean election observation system, explaining that the said system provides for domestic observers focused on the election day and on the voting and counting process. It is a partisan process in practice, as political parties and candidates can select their observers for the polling and accounting. Forbidden to intervene in the voting and counting processes, the observers, may request for correction in case of election law violation(s).

Korea’s election visitor program for 2014 local elections occurred from 30 May to 05 June 2014, involving the NEC and the Association of World Election Bodies (A-WEB) as well as 111 representatives of EMBs from 42 countries. The objective was to undertake a global evaluation of the Korean election system.

During October 2015, an election visitor program for the Kyrgyz Republic Election, in Central Asia, is planned along with A-WEB. There is a plan to invite around 50-100 Representatives of EMBs around the world, and the objectives include ‘ICT election assistance to electoral management’ and provision of ‘the opportunity to study the electoral system.’ Ms Kim noted that this activity provides an opportunity for election management, and observers to gain exposure and learn from the activity, and not just observe elections.

III. INTERNATIONAL PRINCIPLES OF ELECTION OBSERVATION

Presentation by Commissioner Luie F. Guia, Commission on Elections (COMELEC), the Philippines

Commissioner Guia started his presentation with 'Election observation principles', as they provide the framework for the conduct, or define the standard of, election observation'. These were, further derived from the experiences resulting from international and domestic election's observation. Recognition of a country's unique historical, political, social, and cultural context, that impacts on how elections are conducted. Countries have peculiarities, and the realities on the ground vary from one country to another.

There is no 'one size fits all' design for conducting an international observation missions, the quality and nature of the people, and not the conduct of observation missions, dictate the success of elections. Thus there is a need to recognize the realities of social, cultural and political situations in the country as people of the country ultimately determine the credibility.

Commissioner Guia stressed that there are sources of fundamental election principles, namely:

*The Universal Declaration of Human Rights is one of the bases of the principle of election observation missions, in particular UDHR Article 21, states: 'Everyone has the **right to take part** in the government in his country, directly or through freely chosen representatives. The **will of the people** shall be the **basis of the authority** of government; this will shall be expressed in **genuine and periodic** elections, which shall be by **universal and equal** suffrage and shall be held by **secret vote** or by equivalent **free voting** procedures.'*

Article 25 of the International Covenant on Civil and Political Rights (ICCPR), states: 'Every citizen shall have the **right and opportunity without** any of the **distinctions** mentioned under Article 2 (such as race, color, sex, language, religion, political or other opinion, national or social origin, property or birth, or status) **to take part** in the conduct of public affair...**to vote and to be elected in genuine periodic elections** which shall be by **universal and equal suffrage**, which shall be held by **secret ballot**, guaranteeing the **free expression of the will** of the electors'.

Together they strengthen the basis of principles of election observation missions, upholding the principle of universal suffrage defined as 'one person, one vote'.

Other international conventions and domestic legal framework also upholds, and supports election principles, namely:

- a. UN Convention on the Elimination of All Form of Discrimination Against Women
- b. UN Convention on the Rights of Persons with Disabilities
- c. UN Declaration on the Rights of Indigenous Peoples
- d. UN Convention Against Corruption
- e. Regional Agreements, i.e., ASEAN Charter, ASEAN Political-Security Community Blueprint, ASEAN Human Rights Declaration, etc.
- f. Domestic Laws (constitution, electoral laws, decrees or court rulings)

The Commissioner expounded that a genuine democratic elections should have the following characteristics:

- a. **Inclusive** - should draw as many citizens as are legally eligible to participate;
- b. **Transparent** - people are allowed to participate, observe the process; CSOs are allowed to monitor, have access to pertinent documents, get positive responses from election bodies to their queries;
- c. **Accountable** - hold accountable those who might have violated election laws; election defects can be corrected, e.g., Discrepancy in the number of voters and the vote tally;
- d. **Inspires public confidence** – 'the legitimacy of any elected government should be inspired by a credible election process'.

The Commissioner elaborated further on the two known global principles on election observation pertaining to international and domestic election observation:

- a. Declaration of Principles on International Election Observation and Code of Conduct of International Election Observers, adopted on 27 October 2005 at the UN Headquarters in New York, endorsed by intergovernmental, and international organizations; and
- b. Declaration of Global Principles on Non-Partisan Election Observation and Monitoring by Citizen Organization and Code of Conduct for Non Partisan Citizen Election Observers and Monitors, adopted on 3 April 2012 at New York, endorsed by

election observation networks, and individual NGOs undertaking election observation.

Commissioner Guia outlined the key principles of an international election observation: i.e. that genuinely democratic elections are an expression of sovereignty, and an international election observation mission expresses the interest of the international community in the achievement of the democratic elections and democratic governance. While an IEO is conducted for the benefit of the people and the country, there is respect for sovereignty and its commitment to international human rights framework, the laws of the country, and the authority of its election management bodies. An IEO should clearly explain the extent and scope of observation, and exhibit political impartiality before it undertakes any such mission.

Explaining the key principles of domestic elections monitoring, Commissioner Guia stated that, there is a need for strict non-partisanship approach, because political impartiality of observers is important at all times: they have to be mindful not to show any semblance of partisanship, e.g. wearing attire with the symbol or colour of any political party. They should also be independent from the government and avoid conflict of interest, including disclosure of the source of their funding to be devoid of any political affiliations. They must adhere to the principles of non-violence, respect the country's constitution, its laws at all times, not obstruct election processes, even though they may have questions for the electoral staff. They should produce an accurate, and timely report, because the quality, and usefulness of the mission report is contingent on the accuracy of its content, and its timeliness. A good report always recommends improvements to the electoral system. In order to achieve this, observers should be well trained so as to ensure they conduct themselves with professional accuracy and impartiality.

The composition of both IEO and DEM should be diverse, and encourage a gender-balanced team, along with the key thematic experts where the missions put their focus. Commissioner Guia, shared that "Election or Poll Watchers", is the common lexicon used in the Philippines for domestic observers.

IV. ELECTION OBSERVATION AND THE MEDIA

Presentation by Mr Andreas List, EU Senior Coordinator, ASEAN-EU Delegation Jakarta

Mr List said that 'It's not important what you say, what's important is how others hear you,' reiterating that the media provides a filter between the government, and the general public. 'Electoral authorities need a reflected media policy', according to Mr List, who emphasised that this, is hugely important in an election context, and not least if observers are invited.

Referring to the previous presentations on the electoral cycle, he noted that media policy was 'somewhere hidden in the far corner,' but that this should not be the case: 'Media policy should be part of that cycle, or even goes around that cycle'.

Reflecting on 'What to Election Authorities want?' during an election, he stressed that they look for:

- (a.) Technically - the smooth running of elections, from establishing voters lists to the campaign period, to the voting, to the final tally, and beyond; and
- (b.) Reputational – the smooth running of elections should be perceived as such by the public, necessarily through the eyes of the media. However, he emphasised that, one cannot expect media to perform well if no support is given, though he qualified his remarks saying that well performing media is never guaranteed, ever if such support is given.

Mr List stated that if electoral authorities want the media to respect these principles, they need to create a climate for journalists to comply with during electoral period, especially if there are both domestic, and international media present. Stating that governments invite election observers because they wish to position the poll as a democratic achievement (possible technical problems notwithstanding) and credible. Both aspects, he said, need to be communicated to the public with honesty and integrity. Election observers' analyze the interaction without interfering. The media is the primary catalyst for these dynamics.

Assistance should be provided to allow the media to perform its role during the election observation process, as it serves as 'the eyes and ears of the general population'. While elections seem to may run smoothly, in reality

they may well be wrought with tension and violence. The media could, however, aggravate the situation. A communications policy should thus make it easy for journalists to perform their activities during the election period, and this depends on the fragility or stability of a country.

Mr List stated that, 'media should promote democracy, especially if flaws in the process are brought to public notice'. The electoral authority should not be afraid of the media. Honesty and integrity are integral in the process, and whatever flaws exist or emerge must be brought to light to ensure the credibility of the parties involved.

There are certain key media principles that journalists, and reporters should be aware of:

- a. Media need documentation on the election process - Authorities should then provide basic information, such as the format of the ballot, announcement of results, etc;
- b. Media want to report the facts in a timely manner - Authorities should then provide the facts in a timely manner, and one member of the mission or a designated person should lead the interface. Mr List cautioned delegates about using social media. Social media sites primarily have a 'social function, not a media function.' He said that websites needed more facts and information.
- c. Media want to verify information - Thus, authorities should 'ensure that only confirmed

data is being released.' They should 'train staff to check and re-check, partial and temporary results must be verified.

- d. Media are not required to be impartial/neutral, they may have preferences - Thus, authorities must remain fair, neutral, and objective. They must give equal access to all media.

There are also concrete elements of a media policy, overall in which, Mr List mentioned that, 'transparency is key', the elements thus include:

- a. Accreditation for Journalists - This could include an online registration of journalists. It is also important to draft a code of conduct in order to avoid trouble down the track.
- b. Public announcements - Arrange a schedule for short messages, and should focus on facts.
- c. Media centre - A writing and broadcasting centre that gives access to journalists is needed: putting news releases on a website, and a complaints desk are several elements.
- d. Behaviour vis-à-vis election observers - Election authorities should maintain, and display neutrality to observers, even if the media do not.

The elections are not for the media, but rather they are for the country/electorate. Although the media policy may become obsolete in the future, for now it must be remembered that a media policy should be comprehensive and consider the question: 'What would voters like to have?'



Picture 6 AMS participants. Photo credit: DFA

2. Relationship Between Election Management Bodies and Election Observers

This plenary session highlighted the need for a good relationship between election management bodies and election observers (domestic and international) during the electoral cycle, especially during elections. The panel overall emphasized the importance of their presence in evolving democracies and bringing credibility and legitimacy to the electoral process being observed, by deterring overt electoral fraud and building public trust, impartiality and neutrality of the election management and process administration, thereby ensuring transparency. Their relationship therefore should be managed with a clear outline of their respective roles, responsibilities, and technical capabilities in a formal agreement between EMBs and EOMs.

Mr Andrew Ellis, Interim Regional Director for Asia Pacific Region, International IDEA, presented on 'Electoral Management Body (EMBs) and Observers', and provided a good background of what observers actually do during elections, and campaigns, and the different processes/stages encountered by election observers.

Commissioner Hadar N. Gumay, General Elections Commission of Indonesia (KPU), presented on 'How EMBs can benefit from election observation'. He shared Indonesia's experience on how election observation created awareness among the public, who in turn became active domestic election observers.

1. THE ROLE OF ELECTION OBSERVERS IN AN ELECTION

Presentation by Mr Andrew Ellis, Interim Regional Director for Asia Pacific Region, International IDEA

'Invitation to observe sets the formal relation between the host government and the observer mission, and establishes the rights and responsibilities of the later in the duration of their stay, Mr Ellis stressed at the opening of his presentation. Stating that the process involves the host country in terms of visa processing and issuance, establishment of a Memorandum of Understanding (MoU) between the two parties, the invitation to observe and expectations off each other, it defines how the relationship will function, and interact as agreed for the duration.

Clarifying that, although for international observation a formal process involving both the government, and the EMB is expected, for domestic observation the same also applies and registration is done with the EMB to ensure the accreditation of the election observers, and to ascertain that they belong to an organization.

Putting spotlight on the Bangkok Declaration on Free and Fair Election 2012, Mr Ellis, mentioned that the declaration states that EMBs, subject to their prevailing laws, should ensure that all well trained and non-

partisan observer groups are permitted to observe all stages of election processes. Election observation organizations should work to ensure that all observers deployed are well-trained, independent, objective, and they themselves should make sure, that they have adequate capacity to perform their duties in conformity with the internationally accepted standards. While being welcoming to all legitimate election observers, EMBs should insist on high standards such as those declared by the Global Network of Domestic Election Monitors (GNDEM) in the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations.

Accreditation formalizes the establishment of the 'observer's status'. Inclusion of all organizations that accept DoP, and ensuring that observers follow the code of conduct, builds trust. The practicalities of the accreditation procedures include trust, documentation, and timescale, outlining the mode of operation, and interaction. Mr Ellis further emphasised, that, 'to be inclusive, it is necessary to accredit the observers and organizations on the ground until up to the polling/ election day'.

The MoU provides observers with access to the election processes, and technology, even when the public does not have access. This builds trust and increases transparency, including confidence on the part of the election commission. It is the responsibility of the

observers to ensure that they do not obstruct the process of the election commission as this sometimes raises issues on election proceedings.

Unimpeded access to processes and technologies involves:

- (a.) Questions are always welcome – they allow clarification;
- (b.) Transparency builds confidence – lets public and observers know the processes and background to decisions taken;
- (c.) Observer responsibility not to obstruct the process;
- (d.) IT and commercial confidentiality;
- (e.) Includes electoral dispute resolution;
- (f.) Observing political finance – a new field; and
- (g.) Observing media coverage – response of mainstream and social media to elections, its outreach and impact.

Mr Ellis clarified that in case of any international dispute resolution, it is usually is not resolved through EMBs but requires other legal measures to be pursued.

EMB's electoral cycle approach provides a checklist of how access to the electoral process (pre-electoral, electoral, and post electoral periods) can be provided to observers, and to answer questions pertaining to the electoral processes.

When briefing observers, the following points need to be made:

- Successful EMBs explain what they're doing to observe, and also to the media;
- Technical issues involve political perceptions;
- Spotting and communicating the counterintuitive;
- Results management may be particularly sensitive.

Case of Myanmar

Mr Ellis described the case of Myanmar on the issue of finding a solution to a technical problem. He said that many citizens of Myanmar who previously were not able to register themselves on the voters list as they do not know their birthdays. The solution proposed was to register them on June 30, which posed a technical problem during the election process in 2010. Results showed that there were many people born on the same day.

However, the matter would have been aptly responded, if during the task, there was a proper media communication on the technical challenges emerging in voter registration, and what actions were taken to resolve the matter, resulting in the display of similar date of births for many registered voters. The Union Election Commission of Myanmar was taking steps for inclusive voter registration to ensure maximum registration and participation, however, due to weak communication with the public, media and election observers, it was misunderstood, and misrepresented initially.

It must be clarified within the MoU, that the EMB and/or its agencies will not interfere wherever the observers will go to ensure independent assessment of the observers. Legal mechanisms such as the international covenant provide for the freedom of movement, among others as 'where you can't see, you suspect'.

Case of Guyana

Mr Ellis described what happened in Guyana in 1997, with 10 provinces, 8 of which were then trending to the government, while 2 were trending towards the opposition (Georgetown included). Counting was carried out by consolidating the results before sending them onto the Central Election Commission. However, as the results from Georgetown had not been included, people then took their ire to the streets and invoked a lack of credibility.

He said that communication would have been better if the process could have been explained to the observers, the media, and the participants themselves at an earlier stage.

ICCPR Article 12, states that, ***‘Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement’***, and, that the above-mentioned rights shall not be subject to any restrictions, except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and, are consistent with the other rights recognized in the present Covenant.

Mr Ellis emphasized that it would be a clear violation of the Covenant, if the rights enshrined in ICCPR Article 1 were restricted, by making distinctions of any kind, such as political or other opinion. Positive measures should be undertaken to overcome specific difficulties, such as impediments to freedom of movement, which prevents persons entitled to vote from exercising their rights effectively.

On freedom of expression, part of the essential conditions for the effective exercise of the right to vote, must be fully protected. ICCPR Article 19 states that, *‘Everyone shall have the right to freedom of expression, which include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice’*.

The exercise of the rights provided for in paragraph 2 of this article carries with it special duties, and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law as necessary, which include: (a) For respect of the rights or reputations of others, and, (b) For the protection of national security or of public order, or of public health or morals. *‘When a State Party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself’*.

Case of Bangladesh

Mr Ellis gave the example of his participation in the international observation mission in 1996 which was invited to visit a particular village in Bangladesh that allegedly was being intimidated, and could not participate in the election process. He commented that observers are not required to take people to their polling stations, as this would be interference in the electoral proceedings.

What they did was to go to the police station to report on the matter and it resulted in police officers herding the villagers to the polling place to cast their votes. However, it later emerged that only their group reported on this trivial issue, and the general status of the country’s election results was considered to be fine.

Observer reporting should involve dialogue, the setting for which should neither be adversarial, nor have any undue policing process. The report of the observation mission findings should not be biased, rather should be very objective, and the EMB should be sounded out about them before public release of the report. Finally,

there must be clear responsibility for the appointing of persons who could make official observer statements.

There is no 100% ideal election proceeding, because issues of malpractice come up. Anecdotal instances should neither be highlighted nor exaggerated, and

whatever observation statement is issued, it should clearly indicate the general overview of the country's electoral status.

The 2012 Report of the Commission on Elections, Democracy and Security, chaired by former UN Secretary General Mr Kofi Annan, stated that '*...It should become common practice that there is in-country, post-election dialogue among international and domestic observer groups, electoral authorities and political actors to identify areas for reform efforts, and to enhance preparedness for the next elections...*'.

Lastly, Mr Ellis posed a warning to the audience saying that observers should beware as the detailed workings of every electoral framework depend on the country context. 'If you fly a system in, take it out of the box and assemble it, it probably won't do quite what you want or expect'.

II. HOW ELECTION MANAGEMENT BODIES CAN BENEFIT FROM ELECTION OBSERVATION

Presentation by Commissioner Hadar N. Gumay, General Elections Commission of Indonesia (KPU)

Commissioner Gumay opened the topic by focusing on the Indonesian experience, as the biggest, and most populous country in ASEAN (with a population of more than 251 million). A majority of the population lives on the five major islands – Sumatra, Kalimantan, Java, Sulawesi, and Papua, spread across more than 17,000 other islands. The number of voters in the 2014 presidential election was more than 189 million, served through 549,610 polling stations.



Picture 7 Commissioner Hadar N. Gumay sharing inputs on election observers. Photo credit: DFA

Electoral reforms in Indonesia began in 1998 after the fall of President Suharto. Since then, there have been four national elections to select legislators (national and regional), the President, and regional heads.

Explaining the electoral system, Commissioner Gumay stated that during:

- Legislative elections: the election of DPR (House of Representatives /first chamber) members is conducted along with Members of Provincial, and Regency/Municipality House of Representatives (DPRD Provinsi & DPRD Kabupaten/Kota), using PR with Open List. Election of DPD (Regional Representative Council/second chamber) members is conducted, using Second Chamber with SNTV.
- Election of the President, and the Vice President uses the two round systems.
- Regional Head Elections use the plurality system.

Sharing a brief overview of EMBs in Indonesia, Commissioner Gumay stated that the Indonesian EMB/KPU at the national level has seven commissioners; while at the provincial and district/municipality level there are five commissioners. Each level is supported by a secretariat. There is also an ad-hoc organizing committee in each sub-district level, village, and polling station. The EMBs have made two groups, namely the Election Supervisory Agency (Bawaslu) specifically supervising and resolving violations, and disputes; and the Honorary Council Election (DKPP) which is in charge of trying, and deciding electoral organizers who violate the code of ethics, with DKPP being a new group.

Sharing the 'definition of observers', Commissioner Gumay stated that for Indonesia's EMB, observation is the activity done by institutions to observe part or the whole of the election cycle, and the concept of election observers includes:

- Domestic NGO election observers;
- International NGO election observers;
- International institution election observer missions;
- International election bodies or commissions; and
- Election observers representing other countries;
- Individuals who register to KPU, Provincial KPU, and Regency/Municipal KPU.

Commissioner Gumay further emphasized that for domestic election observers, the requirement was, that they be:

Figure 2 KPU Info-graph on Election Observers Registration in Indonesia-a



- (a.) Independent;
- (b.) Had a clear source of fund; and,
- (c.) Registered and accredited by the General Election Commission (KPU), Provincial KPU, and Regency/Municipal KPU in accordance to its observation scope.

He further added that international election observer, the requirement was, that they

- (a.) Had the competence and experience in observing legislative elections in other countries, proven by a statement letter by the observing organization;
- (b.) Obtain proper visas as election observers; and,
- (c.) Follow the observing procedures as governed by provisions in regulations and laws.

Explaining the Indonesian Accreditation Mechanism for All Observers, Commissioner Gumay said that:

- Domestic observers have to formally request to observe the election by filling in a registration form provided by KPU, Provincial KPU, and Regency/Municipal KPU.
- International observers were required to fill in a form, obtained from the KPU office or the Indonesian Embassy/Consulate in the origin country of the observers.
- Election observers representing another nation are required to get a recommendation from the Ministry of Foreign Affairs.
- The registration of election observers is conducted before the election occurs, until seven days before election's day.

Figure 3 KPU Info-graph on Election Observers Registration in Indonesia-b



Once registered and accredited, the rights, and responsibilities of the election observers were:

Election Observers have a right to:

- Obtain legal, and security protection from the Government of Indonesia;
- Observe, and gather information on the process of election;
- Observe the process of voting, and vote counting from outside the polling stations;
- Access information available in KPU, Provincial KPU, and regional KPU at Regency/Municipal level; and
- Utilize tools to document the observation activity as long as it's related to the election process. Observers representing foreign countries with diplomat status have the right for diplomatic immunity for as long as they are doing their task as election observers.

Election Observers have the responsibility to:

- Follow the provisions of law and respect the sovereignty of Indonesia;

- Obey the ethic code of election observers as published by KPU;
- Report themselves, take care of the accreditation, and identity process to KPU according to the observation area;
- Pay for all costs of election observation activity;
- Report the number, and presence of election observation personnel as well as supporting administrative personnel to KPU in accordance to the observation area;
- Respect the station, task, and authority of the election administrators;
- Respect the customs, and culture of the area;
- Be neutral, and objective in observation;
- (i.) Ensure the accuracy of data and information that are the results of observation by clarifying with KPU; and,
- Report the final result of election observation to KPU (introduction, background, objectives, activity, observation findings, and recommendations).

Figure 4 Handbook for Election Observation in Indonesia



Commissioner Gumay enumerated the interdictions placed on Election Observers as being:

- Not to conduct activities that disturb the election process;
- Not to influence voters in using their right to vote;
- Not to involve themselves in the tasks, and authority of election administrator;
- Be partial to certain election participants;
- Wear uniforms, colours, or other attributes that signify support for election participants;

- Not to receive or give gifts, rewards, or any facility from or to election participants;
- Not to involve themselves in any way in Indonesian political and governmental matters;
- Not to carry arms, explosives, and/or other dangerous substances during the observation process;
- Not to enter polling stations; and/or
- Not to conduct other activities that are not in line with the objectives of an election observer.

In case of violations, election observers face penalties, such as:

- Revoking Election Observer Status - Election observers who violate the responsibilities, and interdictions will have their status, and rights as election observers revoked.
- Criminal and/or Civil Law Prosecution - Violation of responsibilities, and interdictions that also violate the criminal, and/or civil laws will be punished according to of the prevailing law.
- Revoking International Election Observer Status - In accordance with the law. The minister who handles legal, and human right matters should follow up on the status, and rights revocation of international observers after coordinating with the Ministry of Foreign Affairs.
- Reporting to Authorities - Before observation, election observers should report to KPU, Provincial KPU, Regency/Municipal KPU, and the National Police (POLRI).

Although the relationship between the EMB, and election observers (EO) in Indonesia has been very good, the numbers of EOs over time have decreased. In 2001, there were 28 organizations, however, in 2014, only 21 organizations observed their national elections, even though many CSOs did not have enough funding to observe through all of the electoral process, and conduct observation in all the 33 provinces. Yet, on the other hand, citizen participation in the electoral process has increased.

Emphasizing on the benefits of election observers to EMBs, Commissioner Gumay highlighted the following key points:

- Election observers **can help election management bodies** in creating a direct, public, free, confidential, honest, and fair election because their presence often discourages misconduct.
- Election observers can **provide comparisons of election conduct** with other countries and provide a second opinion on the conduct of the election. Their recommendations can assist EMBs to improve the electoral process.
- Election observers can **assess the EMB's performance**, as they can identify the process implementation gaps, and suggest trouble-shooting measures for consideration.

- Election observer's reports can provide **beneficial inputs for future elections**, based on their observations and impartial recommendations.
- Collaboration between CSOs, and observers along with transparency **enhances the integrity of the election**.
- CSO's involved in observing election **develop electoral knowledge, and may add to the number of electoral professionals**. Many of these professionals in the future could potentially become future electoral management administrators.
- Observers provide **neutral validity over the election process**.

Commissioner Gumay referred to the previous presentations, and shared his insights into the strengths and weaknesses of international, and domestic observers as the following:

a. International Observers (IOs)

- Strengths: (i.) Depth of experience that has been gained over the decades of international exposure, and experience; (ii.) There is a consistent developed methodology; (iii.) Due to their better reference framework of expectations, they have an international comparative advantage; (iv.) They add credibility to the electoral process as third party unbiased observers, distant from the interest of the contestants, and domestic politics; and (v.) During any disputed results, they act as a stabilizing factor.
- Weaknesses: (i.) Sometimes local people will perceive them to be playing with an international political agenda having perception of vested interest; (ii.) They are very expensive compared to domestic observers, who have more extensive coverage, and numerically more deployable with similar budget of IEOs; (iii.) Their focus is only on the initial set of elections, i.e. in case of Indonesia, IEOs were present during 1999, 2004, and 2009 elections, despite the high risk of political destabilization during the 2014 Presidential Election, no accredited international observers participated.

b. Domestic Observers (DOs)

- Strengths: (i.) Present long term solutions, as it supports the domestic democratization process, facilitates in building long term relationship



Picture 8 Myanmar delegates led by Election Commissioner Dr Sai San Win. Photo credit: DFA

with National EMBs, and other national electoral stakeholders; (ii.) they have a good understanding of the local context, comprehension of the cultural, and social aspects during observation, due to their physical location within the country; (iii.) They have strong networks which they use for observation; and, (iv.) It increases public participation, as DOs are also part of the larger community, it allows them to be actively involved in their country's electoral process, and strengthens public participation.

- Weaknesses: (i.) DOs are highly dependent on funding from either, the State and/or international donors, and are not self-supporting. This means they suffer from huge limitations. However, in Indonesia, Commissioner Gumay stated that there is a plan to set up Democracy Fund for CSOs, which could be used in the future to fund domestic election observers; and (ii.) In many countries (although not the case with Indonesia), domestic election observers get accused of being partisan and, therefore suffer from the perception of political bias from the public, and other electoral stakeholders.

Sharing Indonesia's experience on challenges of observation activities, Commissioner Gumay stated that despite KPU's encouragement for the public to participate as election observers, and the relatively easy accreditation requirements, many observer organizations or individual observers did not submit all the necessary documents required for accreditation. This caused the observer accreditation process to take more time. Some domestic observation bodies have yet to submit their observation report for the 2014 elections to KPU RI. Due to the limitation of human resources, many accredited observers, and institutions are not involved in every stage, and each province. He mentioned that funding, especially from international donors, had decreased for supporting domestic observation activities and additionally, international observers had reduced their presence in Indonesia's election.

To maintain a constructive relationship with observers, Commissioner Gumay suggested that EMBs should offer well regulated, regular opportunities for observers to meet Election Commissioners, as was in the case of Indonesia KPU Commissioners, who participated in briefing sessions organized by observation organizations. While leading up to the election, KPU, held discussions

to update the public, international embassies, and observer organizations on the election preparations. According to Commissioner Gumay, Indonesian observer organizations, were invited to attend, and participate during KPU events/activities (e.g. Plenary meeting on final voter list establishment, etc). He stressed on the need to consider establishing a consultative forum to discuss the issue of observation modalities, to ensure observations are well regulated, through consulting relevant regulation on observation with observer organizations/CSOs. Indonesia's Draft KPU regulations and guidelines on elections observations, were publicly reviewed, and suggestions from observation organizations were adopted.

Adding that there is a need to provide a timely, and effective accreditation scheme, Commissioner Gumay stressed that accreditation for local organizations could be done at the local level. During the 2014 elections, in the absence of International Observers, KPU facilitated international guests from embassies, INGOs, and other EMBs to visit, and view the election process.

Calling for the need to train polling station staff to welcome, and facilitate observation during polling and counting, Commissioner Gumay pointed out that polling station manuals, and training must create awareness of facilitating election observers; including how to respond, and address valid recommendations from observer organizations. In the case of KPU, it adopted suggestions, and recommendations from observer organizations to improve the electoral process (e.g. Voter list update, voting, and counting procedure, etc.).

Indonesia allows for CSO representation within the EMB, and these representatives of observer organizations can be selected as Commissioners in both KPU, and Bawaslu. Briefing books, training manuals, forms, copies of KPU regulation on observation, and other relevant publications are also made available to observer organizations (both in Indonesian and English languages) thereby sharing all necessary materials needed for observation.

Wrapping up his presentation, Commissioner Gumay mentioned that **collaboration with CSOs, and observers along with transparency enhances the integrity of election**. KPU has involved CSO's in consultative forums to get their feedback and input throughout the electoral cycle. The KPU cooperated a particularly with one of the CSOs, and created the Centre for Election Access of Citizens with Disabilities (PPUA Penca). The KPU worked with PPUA Penca to undertake political education for people with disabilities, and consulted them on electoral procedures to ensure the election was more accessible for everyone. LP3ES, (Institute of Research, Education and Information of Social and Economic Affairs) was involved in observing the updating of the voter list.

Commissioner Gumay ended his presentation saying that in the 2014 presidential election, the result was highly contested that at the end of election's day, both candidates declared themselves as having won. Crisis was averted due to the involvement of citizens who crowd-sourced the scanned C1 forms, and the defence provided by election observers, who supported KPUs professional, and transparent roles. CSOs were considered neutral, and thus trusted more by society than the political parties.

Case of South Sulawesi, Indonesia

In South Sulawesi, for example, FIK Ornop deployed 2,256 volunteers, recruited by 14 member organizations to conduct observation in the city of Makassar, and several other districts. Their observation mission helped report election misconduct to the Election Oversight Committee, and the Police.

Case of Aceh, Indonesia

In Aceh, the Aceh NGO Forum, together with five other CSOs formed the Aceh Election Network to conduct observation in several districts, and routinely report on findings. The Forum created an SMS Centre to increase the participation of civilians in reporting election misconducts.

Excerpts from JPPR Indonesia Election Observation Report

Observation

There is an increase of citizen participation in the election process. Progress has been made, as seen in the seriousness of election administrators in conducting political party and election participant verification. A significant change can also be observed in two electoral processes which usually pose the greatest difficulty: voter registration process where KPU uses information, technology, and policies to reduce the possibility of citizens losing their political rights. The KPU was successful in minimizing fraud, ballot stuffing, and vote manipulation by the scanning of the original C1 forms, and uploading it to KPU official website which can be accessed by citizens as a good control function.

Recommendations

Improvement of voter's registration quality. Improvement for a more credible voter's list. Improve the control, and validity of election logistic distribution. KPU has to ensure the availability, and validity of logistics on election's day. Logistic management in the bottom level deserve special attention. There should be a performance evaluation for election administrators at every level.

Urging KPU to coordinate seriously with provincial, and regional/municipal KPU's to ensure that election logistics are in order, and on time.

3. Election Observation Reports and Recommendations

This plenary session highlighted the need for a good relationship between election management bodies and election observers (domestic and international) during the electoral cycle, especially during elections.

Ms Rosa Serpa, Specialist, Department on Electoral Cooperation and Observation (DECO), Organization of American States (OAS), presented ‘What election observation means to Regional Organizations’, and highlighted the contribution of OAS-DECO to the improvement of the different electoral processes in the South American states they have assisted. DECO is responsible for supporting the regional EOMs, and organizes EOMs for OAS member states.

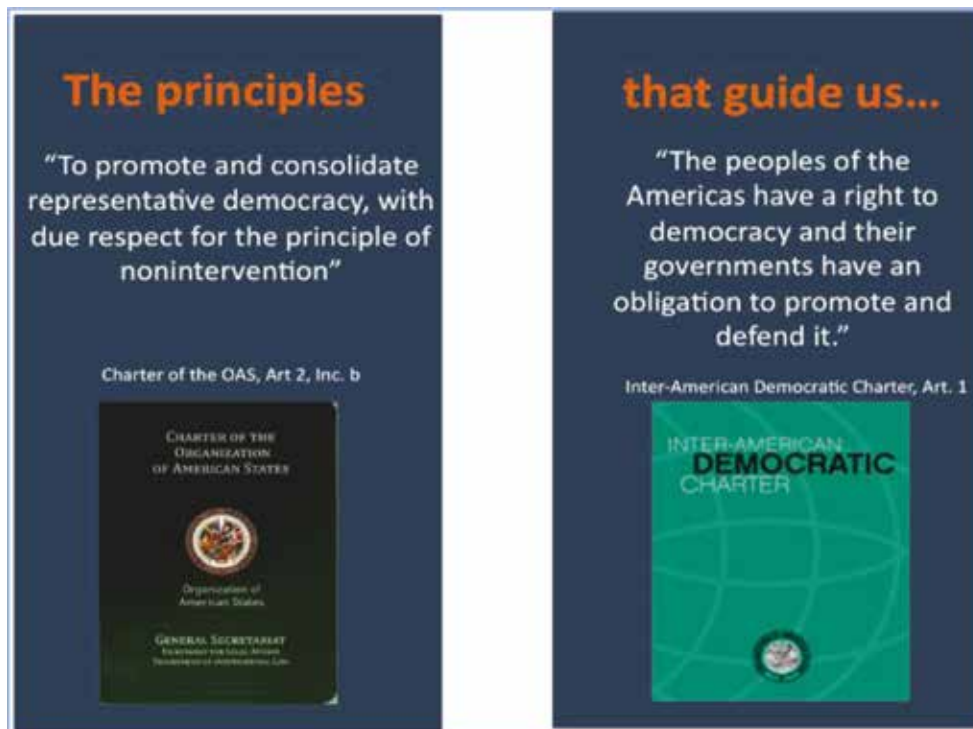
Mr Mark Stevens, Election Expert and Former Head of the Commonwealth Secretariat’s Democracy Section presented ‘Increasing the Value & Impact of Election Observation - Reporting, Recommendations and Follow-Up’. His presentation –covered observation principles, EOM-related cycle of engagement, EOM reporting, the final report and recommendations, follow up mechanism, EFM Cambodia as a case study, and challenges.

1. WHAT ELECTION OBSERVATION MEANS TO REGIONAL ORGANIZATIONS

Presented by Ms Rosa Serpa, Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS)

DECO is one of three departments of the Secretariat for Political Affairs responsible for supporting the OAS region EMB’s, as well as for promoting the development of democratic elections throughout the hemisphere. It organizes electoral observation missions, and technical cooperation projects for OAS member states.

Figure 5 OAS’s Two Major Guiding Principles



Citing two major principles that guide DECO, were, the OAS Charter, Article 2, Inc. b, 'To promote and consolidate representative democracy, with due respect for the principle of non-intervention', and the Inter-American Democratic Charter, Art. 1, 'The peoples of the Americas have a right to democracy, and their governments have an obligation to promote, and defend it.'

Key milestones of the OAS are divided into three distinct processes and stages:

- (1) The symbolic tracking of voting processes;
- (2) Dissuasive' missions aimed at controlling fraud during the electoral processes; and
- (3) 'Substantive' missions oriented toward the full exercise of human rights and focusing on the quality of electoral processes.

Figure 6 OAS Election Observations Conducted



Since 1962, OAS has been engaged with over 225 elections in 30 countries. Some of the notable examples being Bolivia, Costa Rica, and other Latin American states.

methodology for electoral observation published as the *Manual of Criteria for the Electoral Observation of the OAS*⁵. Based on the assessment, OAS developed four methodological tools to observe the

DECO's cycle includes four stages: 1) Methodologies, 2) EOMs, 3) Making recommendations, and, 4) Technical cooperation. DECO observes the political integration, electoral process, and electoral integrity of the State they are currently observing.

1st. Methodology becomes important, as the process of professionalization, and standardization of electoral observation is one of the most significant advances in OAS efforts to generate more equitable conditions in electoral competition. It started in 2006 when DECO developed a standard

⁵ Procedures were standardised as the next step, for dispatching and managing election observation missions, with the OAS creating a manual detailing all of the procedural aspects necessary to conduct electoral observation mission, i.e., the terms of reference and criteria for the selection of mission team members; the conditions for accepting an invitation to deploy a mission; questionnaires for international observers, and the standard formats for final narrative reports. The manual defines the functions of the Chiefs of Mission, chosen by the OAS General Secretariat taking into consideration their "high level of experience and soundness of judgment", political and/or academic experience, as well as their ability to maintain fluid channels of communication with key actors in the electoral process. In order to institutionalization of observation methodology and procedures, it was necessary to develop methods and tools to facilitate an exhaustive analysis of the electoral process, focusing on quality and equity.

most relevant aspects of an election: (a.) the participation of men and women in elections; (b.) media coverage of the campaign and electoral process is balanced; (c.) the efficient and secure use of electoral technology; and, (d.) the financing of campaigns and elections.

2nd. EOMs: what the OAS observes during its missions. Primarily: (a.) political Integration – focus is on the national frameworks of the constitution, laws and electoral process for gender equality, rights of ethnic minorities, voting from abroad, and the inclusion of people with disabilities within the

electoral process, and accessibility to the polling stations on voting day; (b.) the electoral process – within this framework issues such as equal access to media; the organization of the electoral process and the use of technology; redress mechanisms for electoral justice, and (c.) electoral integrity – how political-electoral financing occurs, the situation regarding electoral violence and security, and the nature of government intervention in the electoral process implemented by the EMBs. Observing the electoral process provides us with two important perspectives.

Figure 7 DECO's Cycle for Electoral Observation of the OAS



- a. It gives a view of the reliability of the electoral system, its transparency and accountability, and the continuous improvement of electoral processes.
- b. It allows us to see, from a multilateral perspective, whether human rights are being upheld, whether democracy is being deepened, and if the extent of cooperation is wider.

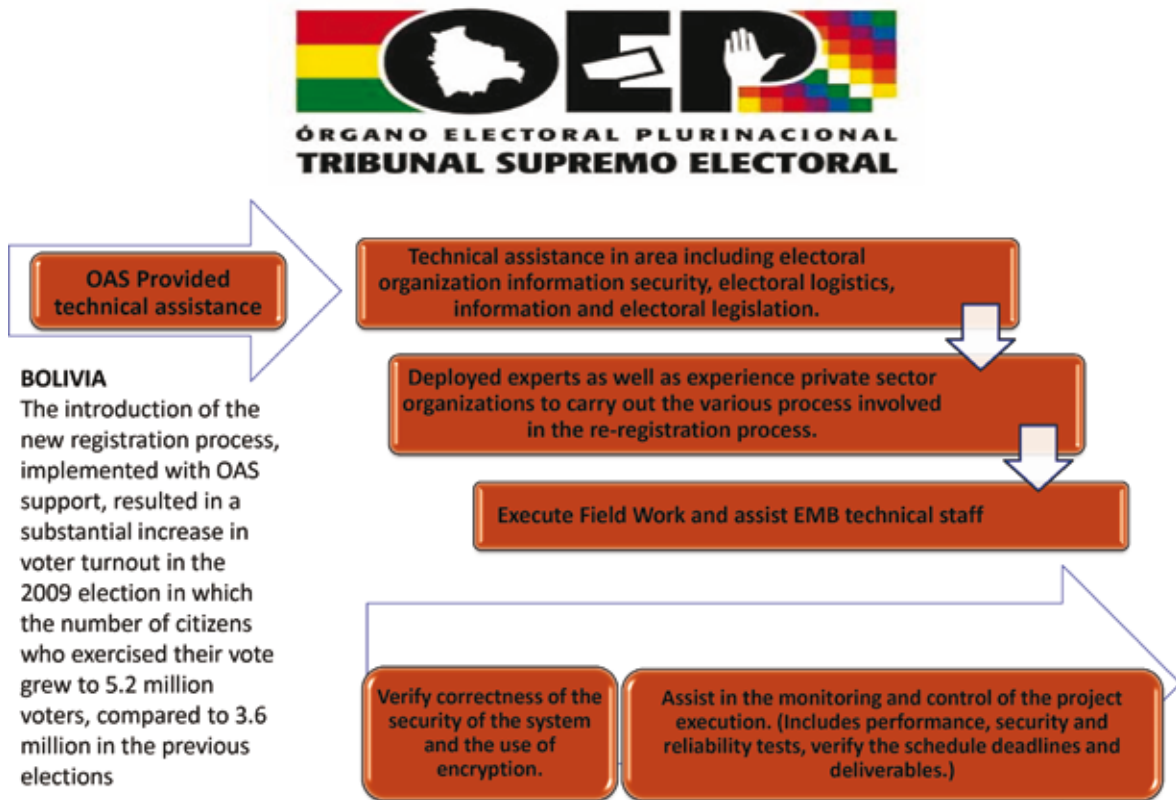
3rd. Recommendations: understanding the value added by OAS election efforts requires a more holistic view of an electoral process. The technical recommendations formulated by an OAS observation mission constitute a necessary step of a broader process that encompasses the entire

electoral cycle. The systematization of recommendations is based on their recurrence, viability, and high regional impact, leading to the formulation of technical cooperation projects.

4th. Technical Cooperation: entails a long-term relationship, institution building, and reform, as OAS recommendations serve as catalyst for local and national action, and reform. These generally cover: audit of electoral registers; audit of electronic voting; systematization of judicial decisions on electoral matters; strengthening the electoral process and registration systems; and, in the area of electoral technology, an analysis of systems, and processes. Through the technical cooperation

section of DECO, the recommendations published in final reports between 2007, and 2012 resulted in 17 projects. Indeed they also have a direct impact, as was the case with the recent electoral reform in Colombia, which did not receive any direct support from OAS but took into consideration many of the findings, and recommendations of previous OAS mission reports.

Figure 8 OAS supported Bolivia's New Registration Process



Case of Bolivia

A concrete example of this is the technical cooperation mission that the OAS completed in Bolivia in 2009. The international community had concluded that it was not possible to move forward with the government's plan to implement a biometric register—an electoral register that uses fingerprints, picture, and a signature for voter identification—before the 2009 elections.

The OAS stepped in, and provided technical cooperation to implement this crucial system. As a result, of these efforts, registration in Bolivia was not only successfully completed on time, but the number of citizens registered on the new register exceeded the previous list. The development of this tool along with the registration effort contributed to making the December 2009 general elections viable.

Ms Serpa stressed that OAS has achieved 'Quality Certification of Electoral Services: ISO 9001 and the ISO Electoral Standard'. Since 2007, DECO/OAS has been working on the implementation of quality systems in the provision of services with a focus on beneficiaries: citizens, political parties, and researchers, among others. The certification helps allay management problems, and contributes to the credibility of electoral authorities through the implementation of more transparent, and efficient processes.

OAS has provided technical cooperation to a number of the South American countries. Some of these engagements have been the significant for OAS. For example, the 2009 voter registration process in Bolivia, which substantially increased the number of voters, and in Costa Rica, the first ever e-voting pilot system overseas was made possible with the help of OAS. (See boxes)

Case of Costa Rica

OAS provided technical cooperation in the implementation of an e-voting pilot system overseas. OAS/DECO deployed a technical team to support the development of an electronic voting system that was to be implemented at consulates during the 2014 presidential elections. It was the first time Costa Ricans were able to vote abroad.

II. ELECTION OBSERVER RECOMMENDATIONS AND THE POST-ELECTORAL PERIOD

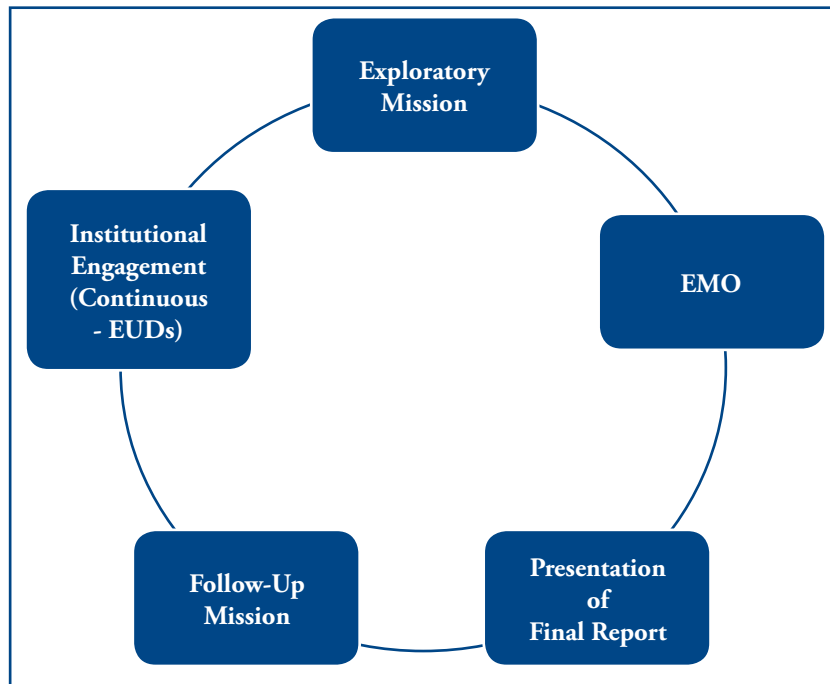
Presented by Mr Mark Stevens, Election Expert and Former Head of the Commonwealth Secretariat's Democracy Section

Mr Stevens opened his presentation by examining observation principles vis-à-vis reporting, recommendations, and follow up. He focused on the conduct of election observation missions (EOMs) based on European Union perspectives. Many international organizations struggle to have follow-up EOMs after the previous EOMs. He discussed the principles of election observation, and related them to a mechanism for EOM follow up. He also stated that the EU has a comprehensive approach to following up EOMs, one of which is the electoral cycle approach, where the lessons learned from previous experience become more systematically applied to the ongoing electoral cycle outside the election period. Through this, EMBs are able to improve, and strengthen their work.

EOM Reporting is a cooperative, and supportive activity. The report should cover the entire election cycle, not only certain days. EOM reports should also be inspirational (i.e., what might happen in the future). A good analysis includes recommendations on how to strengthen institutions. He also noted that, election observers need to understand the history of a country first, so that they will have a good background, and understanding of the political climate.

EOM needs to be part of a broader, longer-term strategy of engagement, and the efforts should be a joint approach with an institution, and the deployment of an EOM as part of a broader strategic relationship so that the findings can add value, and increase the impact on strengthening democracy, and electoral processes. EU spends about 3 – 5 million euros per year in the conduct of EOMs.

Figure 9 EU EOM Related Cycle of Management



Picture 9 Resource persons (L to R) Mr Saphy, Mr Stevens and Ms Serpa. Photo credit: DFA

Pointing to the EOM-Related Cycle of Engagement, Mr Stevens pointed out 5 areas of engagement:

- i) Exploratory mission;
- ii) EOM;
- iii) Presentation of a final report;
- iv) Follow-up mission; and,
- v) Institutional engagement.

He underlined the importance of explaining the mission to stakeholders, and to analyze the process, so that they are able to make recommendations. Thereafter the final report is released before proceeding on a follow up mission and institutional engagement. He elaborated that EOM Report has three stages:

- (a.) Interim reports – for the information of the EU only, and not for public consumption;
- (b.) Preliminary Statement – issued 24 hours after the conclusion of the election, focuses on the key findings, and conclusions; and
- (c.) Final report – consisting of detailed finding's, analysis, conclusion's, and recommendation's.

Elaborating more on the nuances of the final report, he stressed that while an EOM is at the liberty to offer recommendations directed to specific actors, and institutions, i.e. government, CSOs, media, academia, the report can be either written at the macro (with general observations) or micro level (detailed and technical aspects). He further added that while writing the recommendations, it should be kept in mind that at the end of the day countries are sovereign states, and even if the EOM report contains constructive criticism,

it is the country's political will and choice to accept the recommendations or not. While recommendations can increase the credibility and transparency of an electoral process, confidence should be built as a result of EOMs.

Recommendations should be couched in language, which brings the existing process in line with relevant international, and regional standards including the country's international commitments. While the report can be aspirational with short term, medium term, and long term prospects, it can also be made very country specific, and focus on some key thematic issues, e.g. campaign and media, gender issues - how women participate in the elections, citizen observers - how they can be facilitated to participate along with domestic observers. At the macro level, recommendations usually look at the specific institutions, actors, political behaviour, environment, processes, and the creation of new institutions; and at the micro level, it usually targets improving the specific institution such as the technical aspects, and improving relevant legislation in the process.

Mr Stevens pointed that EOMs help increase the credibility of electoral processes, improve the transparency in the process, and facilitate practice of universal, and equal suffrage. Post-EOM, the EU follows up with publication, and distribution of the final report on a website, issues press releases, then attempts to distribute the report widely, and present it in-country. This helps some institutions to use parts of the report relevant to their focus areas/thematic issues. The EU also plans an election follow up mission (EFM) – a new mechanism for assessment on how the EU may improve situations in the future. (Ref Case Study Cambodia)⁶

⁶ Excerpts from EEAS EU website <http://eeas.europa.eu/delegations/cambodia/press_corner/all_news/news/2015/20150522_election_en.htm>

Case of Cambodia – EU's EOM & EFM

The EU's 2008 EOM to Cambodia was a substantial effort. In May 2015, the EU decided to send an election follow up mission to Cambodia in order to assess the current electoral reform process and the extent to which previous EU election related concerns and recommendations have been addressed. The findings of the mission were also used to support the decision making for future EU support programming in Cambodia.

The mission very much welcomes the political settlement, which has enabled the country to move out of the political impasse and to find consensus on some of the necessary reforms advocated by the EU, including the creation of an independent, inclusive National Elections Commission (NEC), which now enjoys constitutional status.

The NEC faces many challenges ahead, notably the establishment of a new professional secretariat, the setting up of independent electoral structures at the provincial and commune levels and the adoption of new, streamlined regulations and procedures which will guide the electoral process. In this respect the mission invited all concerned to ensure these steps are taken in an inclusive and transparent manner, thereby building and maintaining a high level of trust among all stakeholders. It also called on the NEC to take account of gender balance and disability concerns when determining its future staffing.

The mission noted some concerns about various articles of the new Law on the Election of Members of the National Assembly, including those relating to transparency in the financing of electoral campaigns, offences by political parties and the role of civil society in the electoral process. The mission underlined the need to ensure that the provisions of the law are interpreted in full respect of Cambodia's Constitution protecting freedom of expression and association and that the relevant implementing regulations provide the necessary guarantees in this respect.

Mr Stevens ended his presentation pointing out some of the main challenges:

- (1) Political will – recommendations are offered to the country, it's their choice to accept or reject them;
- (2) Timing – when a new parliament comes in, it doesn't mean that an electoral reform has to be done immediately;
- (3) Will and capacity - does the institution have the finances for follow up activities; what programmes do they have?;
- (4) Quality of recommendations – have a few practical and sound recommendations which can be useful to the national EMB; *and*,
- (5) Catch national narrative - EU recommendation coincided with the national debate.

4. Regional Experiences

Participants were divided into three groups and took turns in attending a breakaway session, thereby allowing them to attend and participate in all the breakout sessions. By using a 'world cafe' situation for these discussions, more interactive discussions occurred.

The focus of this breakaway session was on some of the regional bodies and their experiences on election observation missions and lessons learnt.

Ms Shumbana Amani Karume, Head of Democracy and Electoral Assistance Unit, African Union (AU), focused on the role of election observers in an election and highlighted the challenges faced by observers in the African Union. She focused on what role AU plays in trouble shooting the key challenges faced by election observers and shared some empirical examples of benefits election observation brought to electoral administration.

Mr Gilles Saphy, the Project Director of the European Union's Election Observation and Democratic Support (EODS) Project and Mr Stevens, an election expert and the former head of the Commonwealth Secretariat's Democracy Section, discussed the evolution of the European Union Election Observation, from an ad hoc activity to a highly organized system. In their discussion, the specific context, areas of assessment, standards of assessment, methodology, criteria for deployment of Observation Missions, and areas for development of EU election observation were explained.

Ms. Rosa Serpa, Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS), elaborated on the value added value by the OAS in observing elections, how it benefits member states, and, how it promotes regional peace, stability and integration.

I. AFRICAN UNION (AU)

Presented by Ms Shumbana Amani Karume, Head of Democracy and Electoral Assistance Unit, African Union

Recounting the historical background of elections observation in AU, Ms Karume, stated that the Organisation of African Unity (OAU), the predecessor of the African Union (AU), became involved in elections observation to help promote political stability on the continent based on the conduct of 'free, fair and transparent elections'. The first mission was in 1989 in conjunction with UNSC to prepare the independence of **Namibia**, followed up by mission in 1990 in **Comoros** with a small team of observers to monitor the presidential election. During this period, there were no governing guidelines and principles, on the conduct of regional observer missions or how to manage observation missions. These came much later. The need for proper documentation was realised only after several years.

Involvement by AU on election observer missions gained legitimacy, as the need for conducting missions was due to the lack of trust and confidence in the electoral processes and systems in the AU member

countries. By 2003, in a matter to 10 to 15 years, AU observed close to 200 elections in its 54 member states. On average, AU observes 20 elections a year.

In a period of 20 years or so (from 1989), observation missions evolved in two stages:

Stage 1 - Normative Stage: development of norms and standards, such as, *AU Durban Declaration on Principles Governing Democratic Elections* – a set of principles, modalities, rules for AU to manage observer missions during election, and, African Union Guidelines on Election Observation and Monitoring Mission.

Stage 2 – Setting up of Structure: A unit was established in 2008 within AU to oversee the observation missions of the AU and it took 12 years to develop the necessary guidelines for election observation missions.

The *Norms and Standards of AU Election Observation Principles and Modalities* were based on the two pioneering documents mentioned above. They were the most instructive documents because they contain straightforward rules relating to technical and administrative areas of election observations to be



Picture 10 Ms Karume sharing AU's EOM practices. Photo credit: DFA

conducted by AU. They were formulated, aimed to facilitate the implementation of some of the key aspects of the Declarations Governing Democratic Elections in Africa. In particular, the Durban Declaration served as the benchmark for future observation, monitoring and assessment activities of the AU Commission. These documents provide everything needed to conduct an observer election missions. Initially these documents were non-binding. To close the gap and to make it binding an, *African Charter on Democracy, Elections and Governance*, was adopted in January 1997, to 'domesticate' the provisions of the Charter. The Charter does not only deal on governance but also contains important election observation conditions for AU missions.

Ms Karume listed the main challenges and limitations faced by AU, primarily:

- Many of the observer missions were criticised, in the first 15 years due to lack of credibility.
- AU observation missions were also criticised, due to short-term duration. Short term approach to elections observation, were inadequate, to cover election related problems in order to recommend solutions on a long-term basis or address necessary institutional changes.
- When Election Unit of Political Affairs came aboard, the effectiveness, and professionalism of how missions are conducted, significantly improved. Issues of composition, logistics, and management were ultimately addressed.
- Many problems were in the implementation of observation missions, thus, observing elections went through trial and error.
- There was an onslaught and barrage of criticisms of the Commission for not giving value and for not adding to the credibility of various elections in Africa.

- A review was conducted in 2007, questions like objectivity, partiality, and professionalism were raised, and the review also teased out concerns on basic logistical/administrative arrangements in conducting missions.

Ms Karume listed some of the shortcomings addressed:

- Insufficient training in framing the report – initially the reports lacked sufficient context of major issues and depth of discussion on significant electoral issues
- Initially, career and politically appointed diplomats made up the missions - They observed through political lenses, giving partiality and political flavour to mission assessment reports.
- Limited time to observe - Because of this limitation, AU elections and election reports did not gain credibility, unlike other international and regional organizations.

Ms Karume, emphasized, that there is no 'one size fits all' mission to cover all African elections, however, election norms and standards have given guidance on how to conduct election observation in the region.

Gradually 'new methodologies' were introduced. In 2013 long-term observation missions were introduced, in addition to institutionalising pre-election assessment missions to reinforce the new long-term approach.

The pre-election assessment missions, aimed to:

- Assess all aspects relating to the pending elections with the principal stakeholders;
- Assess the environment for a fair environment and see if a level playing field is present, and if conditions are unsatisfactory, it can advice against sending an observer mission;

- Advise the mission to give guidance to the AU with respect to the size, duration, and mandate of the mission to be deployed.

Starting in 2013, AU had five long-term observer missions, even though there were funding difficulties, which affected the number of missions that could be conducted. Gradually AU became involved in all the stages of the electoral cycle, using considerable funding to 'perfect' election observation missions, gaining credibility and trust.

Ms Karume explained that with new opportunities arising, AU was finally able to fulfil its original commitments like observing elections, making necessary changes in its implementation strategy. The changes increased AU's visibility and role as the lead organization in African elections, unlike in the past. The long-term duration of observers allowed enough time to collect important information necessary for early warning and intervention by the AU. This allowed for necessary interventions, especially for countries in danger of a conflict, arising from the elections.

Long-term observation methodology has helped improve the quality of AU's preliminary statements, and final report, with a huge difference from previous reports in terms of depth of analysis. It has also facilitated improvement in conducting short-term observation missions. The work to institutionalize a long-term observation has inspired how to go about short-term elections by enabling the Commission to conduct technical comprehensive briefings, without the need to rely on national stakeholders. This has further lead to improved capacity and professionalism through training, and, encouraged 'new blood' in the observation missions, leading to change in their composition.

National elections have influenced the way regional elections observation in AU are conducted, because these are an opportunity for national election management bodies to acquire technical assistance based on requests, and/or recommendations from observation mission reports.

The AU reports, and implementation of its recommendations, afford an opportunity for AU, to provide varied technical support at the early stage of the electoral cycle. Malawi was the first country to benefit from this. Malawi has become a success story of this technical support.

One of the main objectives of AU in 1963 was to assist those countries, many of them whom had newly gained their independence, in democracy and electoral processes. Over the years, it evolved to replicate the structure of the EU and its function on election observation missions. Earlier observation teams comprised career and politically appointed diplomats. Nowadays the composition covers broader sectors: election bodies, AU, National Parliament representatives, and civil society groups, working in the field of elections. This has provided the mission with comprehensive background, and experience, thereby making the mission professional.

Also in the past, many observers lacked the proper training and sufficient context of the mission's objectives, meaning that the report often failed to cover key electoral issues. With proper training, the mission is able to focus on objectivity and also on key thematic areas by key technical experts. At first, there was no database to choose members for observation missions, but now one exists that is updated regularly. AU does not want to rely on the same members repeatedly making up their missions. Many international organizations (IOs), have their own declarations, and, many are also signatory to the, 'Declaration of Principles', which is a basic document, that formed the basis of rules, and modalities, for election observation missions.

AU has gone through a long period of trial and error, raising questions about the credibility of AU election observation missions. However, there is already a long history of learning, and available documentation, that can be considered by ASEAN, including technical partnership and support by various international organizations.

The AU Commission Secretariat is based in Addis Abba, Ethiopia. The attitude of members is schizophrenic. On the one hand, you will have a region (e.g., West Africa, Southern Africa, Sub-Saharan Africa, etc.) that is totally open, and receptive, and, on the other hand, you will regions, that are protective. The members are either 'forgetful'" about the conventions, and commitments that they have signed up to, or they don't know' what they have signed up to.

EOMs are not static and learning always evolves along with new technology and approaches that need to be included in the EOM methodology. Funding continues to be the biggest challenge, something that ASEAN will automatically relate too. By adopting the various conventions, there was a consensus of some sort by

Member States. Yes adoption of conventions has been a long process and is related to the issue of trust. African states often call upon the AU, especially in the post-conflict scenario.

Each country has their own peculiarities, but also have common features, such as the principles, standards, conventions, and declaration. These standards are minimum requirements that are required in all elections. Early AU Election Observation was by invitation, but Member States used this as a means of keeping the Commission at bay. There are still countries that issue the invitation at the last minute, and the Commission ends up observing only a day before the actual poll. Now, even without prior invitations, the Commission can observe at anytime.

Training is based on the standards and conventions that have international acceptance and which can be used regardless of background. They also cover the observers' code of conduct. Institutionalized evaluation mechanisms are necessary, and so far, observers are given questionnaire to be filled out. The current methodology still requires a lot of thinking for further improvement.

Missions should not be competing with each other, but indirectly there is competition in terms of finance and infrastructure. EU is not really a competitive organization because members see the AU Commission as more trustworthy (in the context of African unity). Members normally would approach the African Union Commission first. Appointments made by the AU Electoral Commission go through a process: the database of qualified candidates is checked and then appointment of members is undertaken. The main criteria are - previous experience, professional background, and professional experience (especially in conflict resolution).

Training is conducted to introduce new experience, not to rely on old faces in all missions, as the 'old hand', has the tendency towards complacency, and slack adherence, to the code of conduct. Two elections per year are allowed for each observer, or one every six months. For short-term observers, only a basic knowledge of the election is required (this is not as rigid as for long-term observers), and there is no formal certification given, only a certificate of attendance at training.

II. EUROPEAN UNION (EU)

Presentation by Mr Gilles Saphy, Head – Election Observation and Democracy Support Project (EODS), EU⁷ and Mr Mark Stevens, Election Expert and Former Head of Commonwealth Secretariat's Democracy Section⁸.

Mr Stevens began by explaining that there are two dimensions or points of view on election observation: states may invite accredited international observers, (like Cambodia, Thailand, Viet Nam, and Indonesia); and, Regional/ASEAN – which could start building up its own capacity for election observation. Referring to the presentation of Mr Andrew Ellis, in which he mentioned the historical development of election observation, Mr Stevens said that, election observation (the way it was conceived) was really started in 1989 in Namibia by the UN, in the context of a peacekeeping operation. This was followed by Cambodia, then the EU started in the Russian Duma elections in 1993, followed by the South African post apartheid elections, the Palestinian Territories in 1995, and then Bosnia and Herzegovina.

Until 2000, election observation was conducted on an ad-hoc basis, without a clear or consistent approach. This changed in April 2000 with the communication from the Commission on EU Election Assistance and Observation. The European Union provided the terms of the Elections Assistance and Observations (191/2000) to address this matter, this solved a number of problems:

⁷ *Mr Gilles Saphy has been heading since January 2013 the EU-funded Election Observation and Democracy Support Project (EODS), which is the EU's capacity-building framework for election observation. He is an election/ legal expert with over 15 years of international experience with the European Union and the OSCE/ODIHR in election observation as well as in election/ related technical assistance and follow-up projects. He has particular expertise in election observation methodology, international standards for democratic elections and analysis of electoral frameworks. Gilles Saphy was most recently working in managing positions for election-related projects in Tunisia, Myanmar, Aceh and Afghanistan.*

⁸ *Mr Mark Stevens is an election expert with a specialization in election observation. He has over twenty years' experience and is currently an independent consultant working on election-related projects for a wide range of international institutions, including the EU, Carter Center and IDEA. From 2007-2013, he was head of the Commonwealth Secretariat's Democracy Section, managing the organization's electoral assistance and election observation programming in Africa, Asia and the Caribbean. He has worked on some 40 elections observation missions for the OSCE/ ODIHR, EU and Commonwealth, including as Head and Deputy of Mission for ODIHR and Chief and Deputy Chief Observer for the EU, and also on numerous election needs assessment missions. In Southeast Asia, he led the EU Exploratory Mission to Cambodia in 2001 and was Deputy Chief Observer on the EU SOM for the 2002 Cambodia Commune Elections.*

(1) Operational (who within the EU decides and whether or not to hold election observation)

- Institutions (e.g. EU Parliament);
- Decision-making - How do we choose countries we want to observe?
- Funding - before 2000 funding was done in a different manner (sometimes out of the EU development fund, sometimes from somewhere else. Now there is a designated singular source of funding);
- Planning phases - before, the EU sent observers before the decision to observe was made;
- Exploratory missions.

(2) Methodological

- Minimum conditions and criteria for deployment of an EOM;
- Assessment - use of public International law;
- Long term and comprehensive (observe as many phases of the electoral cycle as possible);
- Professionalism, training, code of conduct (Still referred to after 15 years);
- Cooperation with the host country - the EU must receive an invitation from the host country first before sending observers, and MOUs between EU and the host country should be in place; and
- Transparency of findings, and conclusions – may be culled from public statements.

It was further explained, that the EU does not send Election Observation Missions to EU Member States, rather, EU observers observe outside of the EU. The observation of EU States is undertaken by the Organisation for Security and Co-operation in Europe (OSCE). Consequently, there is no unique set of election observation strategy, as the implementation applies on a country-by-country basis, which also depends on the host country's obligations and commitments. Emphasis is placed on public international law as the basis for the election assessment.

Mr Stevens discussed the areas of assessment, particularly the legal framework for elections and the structure and performance of the EMB. Typically, the election observation spans two to three months, with mixed sources of information (both first hand observation and secondary). Secondary sources come from gathering information from credible election authorities as well as from non-government organizations. EU also collects documents on legal

basis, registration and election policies. It also seeks to identify the country's regional commitments based on its openness and the action performance or the structure of the electoral commission.

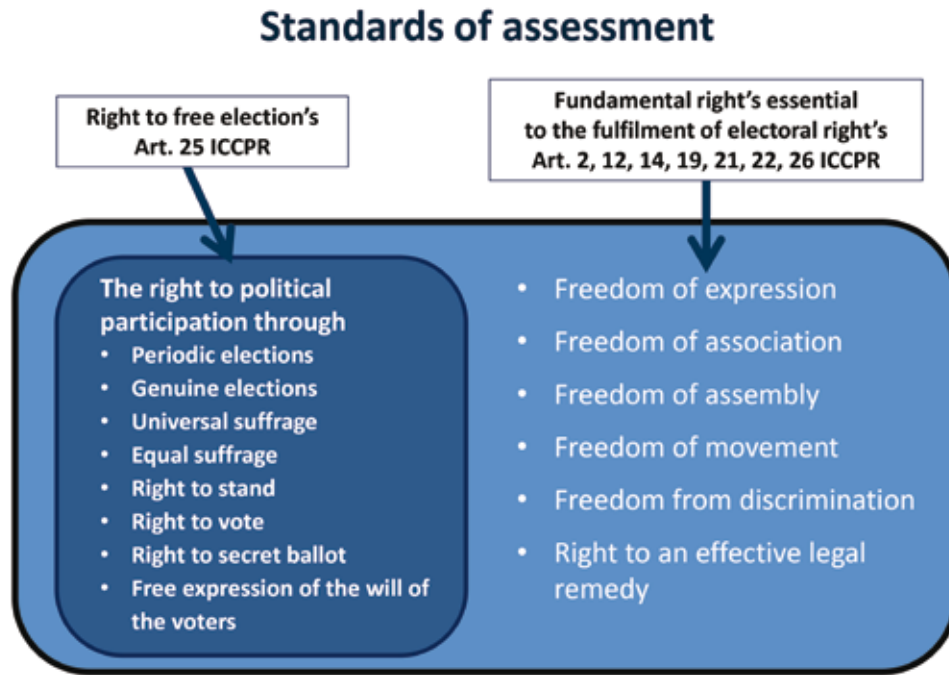
Complaints on the processes are also noted. Studies are also made on the role of state-owned or public media offices, the political contestants' access to media whether its biased or balanced, the environment setting of the media as a reasonable source of information for the public. The election observers also attend rallies and the actual conduct of election campaigns and registration of parties, including processes to view the participation rights of the voters. An assessment report is released, by the EU observer's 48 hours after the announcement of results, while a final and more comprehensive report, is released, within two months after the day of the election.⁹

The seven principles of the EU methodology were also explained:

1. Consistency - assess elections against public international law. A set of standards (freedom of expression, the right to suffrage, etc.) is used, in all countries assessed. There is no country-to-country assessment or comparison.
2. Comprehensive and long-term observation - must cover all aspects of electoral process, and should be long-term.
3. On election day- questionnaires are prepared and observers go to polling stations.
4. Impartial and independent assessment - Follows a code of conduct. 'Independent' means that the EOM is independent from EU member states, the EU delegation in the country, and independent in its assessment from EU institutions in Brussels.
5. Will be found in the EU code of conduct - this means observers do not interfere with the work of the electoral authorities. They are only there to observe whether domestic mechanisms of integrity, transparency and accountability work; they do not provide a substitute for the possible lack/insufficiency. Irregularities observed do not result in complaints lodged by observers. Instead, these are reported, to the electoral authorities.
6. Cooperation with host country - This includes:
 - Respect for laws

⁹ They also mentioned that the EU has put together a 3rd edition of a handbook and a compendium of International Election Observation standards. These are used both by EU teams and also any group or body looking into undertaking election observation.

Figure 10 EU Standards of Assessments



- Only at the invitation of host country
- MOU-defines what observers can do, freedom of movement, type of information they have access to, meetings they could attend, which phase of election process to observe, etc.

7. Openness - the preliminary report 48 hours after elections and the final report two months after the date of election.

In addition, the criteria for deployment were discussed. They are based on the number of legal and political factors, but essentially identify whether EU election observation is able to promote democratization.

Another criteria in not choosing a host country is to, 'Avoid giving legitimacy to a flawed process.' The EU observes an average of 8-10 countries per year, some of which are a priority. Exploratory missions are sent to meet with EMBs; a recommendation emanates from the mission which is forwarded to the EU High Representative who makes the final decision whether to send an EOM or not. Mr Stevens mentioned that, sending observers is already a message that there is something to observe.'

The different kinds of EU Election Observation Missions are:

- Full EU EOM: May employ 100-120 personnel, and may last 2-3 months;
- EU Election Assessment Team (EAT): Focuses on broader pre-election issues and does not pay too much attention to election day;
- Election Expert Mission (EEM): 2-3-person team with specific expertise (e.g. Mission in Thailand), deployed when the EU wants to engage but does not have time or resources to employ full mission;
- EU Election Follow-up Mission (EFM): Looks into the forward movement on elections, it assesses the extent to which there has been change (based on the recommendations made by the Mission in the elections).

With regard to the EU EOM Generic Structure, the Chief Observer (from the EU parliament) is responsible for the mission. Below are a number of experts (analysts), and below them are long-term observers (in the country for two months, meeting with officers at the provincial level, CSOs, etc.), and short-term

Figure 11 EU's Different Formats of Elections Observation

<ul style="list-style-type: none"> • EU EMO Election Observation Mission 	<p><i>Long-term and comprehensive observation / Chief Observer / Core Team / LTO / STOs / Preliminary Statement / Final Report</i></p>
<ul style="list-style-type: none"> • EU EAT Election Assessment Team 	<p><i>Long-term observation / Chief Observer / Core Team / LTOs / No comprehensive E-Day Observation / Preliminary Statement / Final Report</i></p>
<ul style="list-style-type: none"> • EU EEM Election Expert Mission 	<p><i>Provides reporting to the European External Action Service (EEAS) and the European Commission on an electoral process during and after the elections. / 2 to 5 experts / No PS / No public Final Report</i></p>
<ul style="list-style-type: none"> • EU EFM Election Follow-up Mission 	<p><i>Assesses the progress made in electoral reforms and other governance related sectors since the delivery of the final report of the EU Election Observation Mission and recommendation</i></p>

observers who observe the polling stations and look at the vote counting process and announcement of results.

Areas of development include the following:

Observing elections in countries affected by conflicts and electoral violence (questions of security, costs and methodology. Examples: Afghanistan, Burundi, Pakistan [observers sent only in some areas but not to Baluchistan, and the tribal areas, consequently, the findings were limited]. In a regular mission, the security budget takes up 7% of total cost of mission. In areas like Afghanistan, this could reach 70% of the cost of mission.

Shrinking political space for opposition and civil society in a number of countries: Elections may be very well run, from a technical point of view but the environment might not be sufficiently free for elections to be meaningful.

Increased use of technology in the election progress (e-voting, biometrics, etc.): As a consequence, different types of expertise have to be brought in to the mission. Also, the application of general principles might be more difficult. For example, how do you apply the principle of transparency in electronic voting?

Lack of internationally agreed standards in a number of areas of assessment: The EU assesses elections against

international standards and many of these are very clear (e.g. right of suffrage), but there are principles, which are less clear and secure in Intl law/ HR legal framework (e.g. transparency, campaign finance, etc.).

Coordination between different observer groups (various international and national election observers who also conduct coordination meetings before and after the elections)

The EU observes between 8-10 countries per year subject only to budget constraints (e.g. the EU was also invited by Morocco for local elections. The EU has ratified the Human Rights Conventions, and it pays close attention to the exercise of rights of persons with disabilities.

In terms of irregularities, all such instances are publicly disclosed in the statement issued within 48 hours after elections day. In the final report, there will also be recommendations. But if reports are issued during the election, the mission has regular meetings with EMBs at the regional and national levels, including with CSOs. During these meetings, clarifications on allegations are sought. The EU then analyses the available information and makes a decision on where they think the truth lies. Sometimes the chief observer may decide to make a comment to the media

(particularly on grave cases). Note that there is a judgment call as well (whether individual observers decide to report irregularities or not).

The EU does not observe its own member states. This is the role of the Organisation for Security and Co-operation in Europe (OSCE), which observes its member states (55 states) and so far it has conducted 54 observations (except in the Vatican).

While there is a lot of training on the election process of the observers within the team, in reality there is no black and white (fair or not fair) observation, but rather 'shades of grey'. Observation must not impact the sovereignty of host country, if election observation results offer a range of opinions, they should be taken for what they are. Ultimately, the outcome of the process is determined by national institutions. The mission should make sure that all observers behave according to the Code of Conduct.

The Organisation for Security and Co-operation in Europe (OSCE) observes in EU member states. EU has full confidence in the OSCE; it is also one of the main financial contributors to OSCE. The OSCE has considerable respect, and the EU is prepared to cede in its favour (e.g. In 2003, Russia was interested in an election observation, but the EU deferred to the OSCE. The OSCE declined the invitation, and so did the EU).

As for observation invitations, the practice varies: some countries spontaneously send invites, either because there has been a practice in the past (e.g. Tunisia election observations were done in 2011 and 2014, the authorities sent an invite to EU). In other contexts, the EU delegation in the country approaches the Minister of Foreign Affairs and expresses an interest in observing elections, then, it is up to the authorities of the host country to issue the invite.

On using the best technology available for e-voting, the most salient advice came from one of the former Election Commission Heads in India who noted: *'These machines were brought in slowly over a sustained period of time in trial and error, and each time everyone was involved. So that they knew that if there was any mistake made, it was not a political decision, it was a technical error.'*

He added that where countries are going wrong in terms of e-voting is that there's a rush towards the use of such machines without going through the process with concerned stakeholders and groups/NGOs. If stakeholders are not involved from the very beginning,

it decreases the perception of transparency. Increase the stakeholder participation and inclusivity, and whatever system a country might go for will be successful, what is important is that there's an inclusive confidence building process.

The EU has not had an opportunity to observe e-voting since Venezuela in 2005-06. The OSCE has more experience in these systems. In Europe, however, there's a movement away from e-voting (e.g. Ireland, Netherlands, Belgium (Wallonia), Germany). But, nevertheless there are advantages, and using e-voting must be assessed on a case-by-case basis. Countries must be careful that it does not deflect funding resources from other parts of the electoral process, because E-voting costs more per vote to implement.

Part of the attraction of the other models is that it provides the ability to respond and engage in elections without the cost of the full election observation. An average observation mission of EU is about 3 million euros (in a country without security concerns). The Afghanistan mission, on the other hand, cost around 11 million euros, and, Pakistan about 7.5 million euros.

Election observation is not the area where EU is visible as the normative power. Election observation is becoming a global norm, but not through the EU, though the Declaration of Principles is noteworthy.

State practice varies when it comes to complaints and appeals. In some countries, the election commission is involved, in some countries, the elected parliament plays a role (not a good practice). International law does not prescribe any particular model. The role of the observer is to see whether the process works.

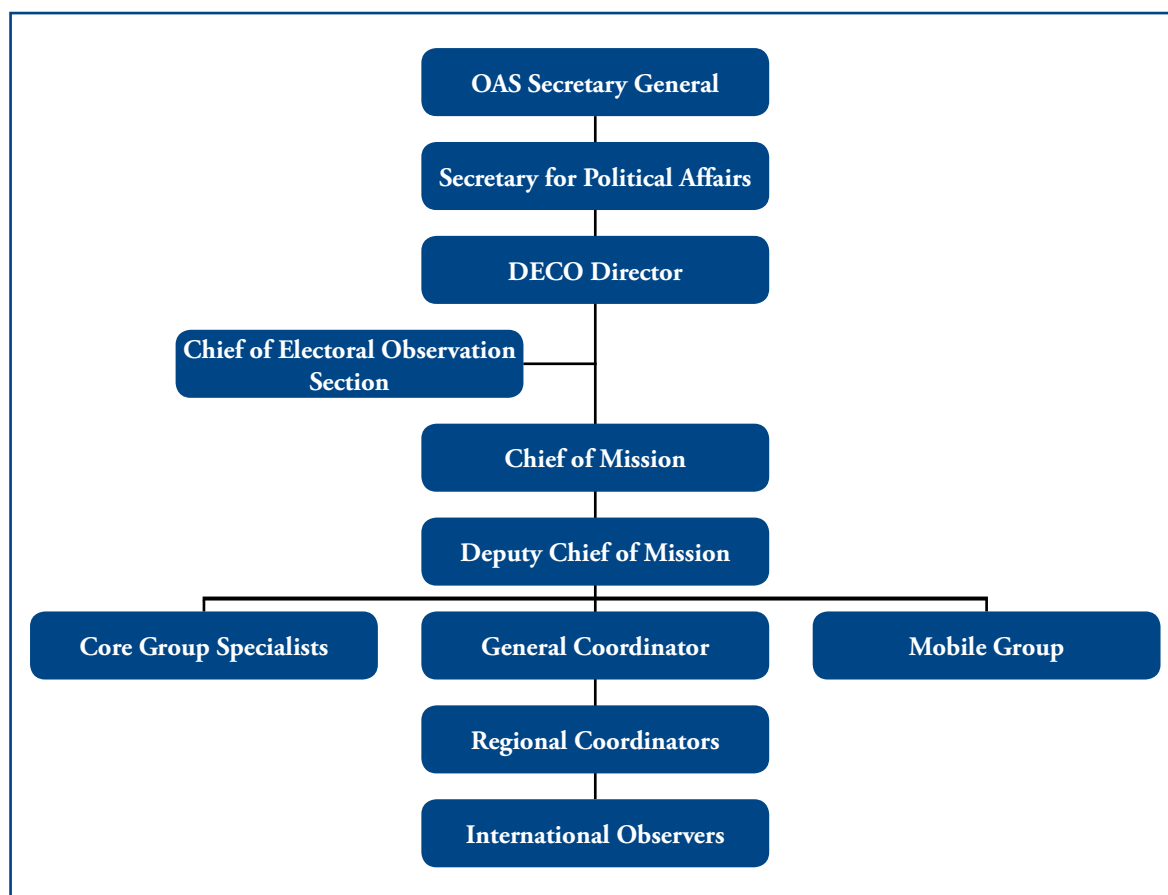
Most international organizations tend to observe national level elections. Some are at the local level, but it is the exception. EU is not seeking to avoid responsibility here, but the OSCE that does the job and therefore the EU seeks to avoid duplication.

III. ORGANIZATION OF AMERICAN STATES (OAS)

Presented by Ms Rosa Serpa, Specialist, Department on Electoral Cooperation and Observation (DECO), Organisation of American States (OAS)

Ms Serpa stated that under the Organization of American States (OAS), its Inter-American Democratic Charter and Electoral Observation Missions, the

Figure 12 Structure of OAS EOM



member states are responsible for holding their own free and fair electoral processes, any EOM required invitation by the member state. The member state must guarantee full cooperation with the EOM.

OAS defines international electoral observation missions as a process, whereby, *An organised group of individuals from outside the host country systematically carries out a series of actions and activities to observe an electoral process in a direct, complete and precise manner*.¹⁰ The subject of the observation is the process itself.

OAS ensures that the Principles of the OAS Electoral Observation, namely, objectivity and neutrality, respect for the laws of the host country, and no substitution of national actors in the election process are upheld at all times during any EOM.

The composition of the EOM is as follows:

- Chief of Mission - OAS/EOMS are headed by a Chief of Mission, who is designated by the OAS Secretary General based on the person's high level of experience and sound judgment.
- Deputy Chief - This is the highest ranking GS/OAS official in the OAS/EOM and the person who is in charge of operational and administrative matters, always a DECO specialist. The Deputy Chief of Mission is in charge of supervising the work of all members of the core group. He or she is designated by the DECO Director.
- Core Group: specialists working on substantive issues that enable the EOM/OAS to observe the quality of the electoral process from a comprehensive perspective. These issues include, among others, electoral organization and legislation, complaints, political campaigns, political parties and civil society, electoral

¹⁰ Definition from the *Manual for OAS Electoral Observation Missions* (2007), p.10.



Picture 11 Ms Serpa sharing OAS experiences. Photo credit: DFA

technology, financing, logistics, gender and security.

- General Coordinator organizes the training and deployment of the international observers, as well as the regional coordinators, and serves as liaison between the regional coordinators and OAS/EOM headquarters.
- Regional Coordinators organize and supervise the work of the international observers deployed to these regions.
- International observers - Observe and report on the activities of electoral authorities, political actors and social organizations in their assigned areas. Observe the opening, conduct and closure of polling stations by applying the observation methodology. Receive and transmit formalized complaints.

Ms Serpa stated that OAS divides its activity into three stages of electoral observation: the pre-election period, elections day and the post-election Period.

During the pre-election period, they observe compliance with the electoral calendar, election laws/regulations and their application, functions of the electoral authority, activities of political actors, the role of media, and, activities of the government, social organizations and security forces. This activity ends on the night before the elections day.

One the election day, the OAS puts its focus on the voting process, the verification and set-up of the polling stations, security conditions and accessibility of voting centres, presence and performance of poll workers,

performance of party agents (disaggregated by sex), potential proselytizing activities at voting centres, possible acts of intimidation, intimidation directed towards women, fraud or violence, respect for the secrecy of the ballot, and, attendance and flow of voters.

The day of the voting is when an OAS/EOM has the greatest visibility, since the broadest geographical deployment of international observers happens at that time. One of the main goals of OAS/EOMs is to have their members observe the voting in the greatest possible number of electoral districts and polling centres.

Over the course of the day, the international observers and regional coordinators gather the information through specially designed questionnaires. They communicate with the mission's call centre to transmit the results of the questionnaires so that these can be tabulated and consolidated. In addition, the observers maintain contact with their regional coordinators, just as the regional coordinators do with the general coordinator. This enables the OAS/EOM leadership to obtain more information about how the election is proceeding in real time. The observation focuses on the processes involving the opening of polling stations, the voting, the vote count, and the tabulation or transmission of results to the regional and national tallying centres.

By the end of the day during the vote count, international observers, look for compliance with electoral regulations, the number of valid, invalid and/or contested ballots, accessibility of vote counting procedures for party poll watchers and observer groups,

safety conditions for the count, tabulation and transmission of results, transportation of electoral materials to the offices of the electoral authorities, media behaviour and conditions for transmission of results to local and national media centres.

During the post-election period, which begins at the close of the voting day and ends with the official declaration of the results, OAS observes: the final count, the exercise of electoral law, reaction of political actors to electoral results and official proclamation of results. During this period the definitive vote count is done, and any claims, complaints, and challenges are presented. Thus, whenever possible, OAS/EOMs designate regional coordinators and even international observers to observe this period. The last step in this period is the declaration of final-results. Accordingly, the mission also observes the acceptance of the results by all those who participated in the electoral process and by the citizens in general.

After all the necessary observation has been made, the Chief of Mission of OAS, who is always appointed by the OAS Secretary-General and is a highly experienced politician, will make the recommendations they will send to the EMB of the host country they have observed. It is important to note that only the Chief of Mission of OAS can make the recommendations to ensure control of their findings and recommendations.

It is important to note that they deploy **foreign** observers to uphold the principles of the OAS especially neutrality and objectivity. Although, they deploy foreign observers, they themselves are contract bound not to work with other international election observation organizations.

Ms Serpa explained the challenges and opportunities that should be equally understood and looked with out of the box thinking to be addressed:

- Misperception that only countries with democratic consolidation need EOMs (all electoral systems are capable of improvement or require change at some time);
- Multiplicity of actors and increased competition for funding;
- Complexity of new irregularities on the electoral process represents a challenge for the creation of new technical observation tools (state resource usage, electoral violence, social exclusion, among others); and

- Lack of mechanisms to monitor the effective implementation of the recommendations.

The two main challenges that OAS face are the lack of and procurement of funds as well as the lack of accountability of the recommendations they make. OAS and observers have meetings in the beginning of their work and afterwards to share their findings.

OAS is continuously working on, improving and developing new methodologies, such as for electoral disputes, to improve the observation and assistance they give other countries during their election processes, and, have better electoral processes in the region. OAS does not focus solely on electoral observation but also in the totality of the election process in different countries, but not to the extent that they duplicate the responsibilities of the main actors who are themselves responsible for these processes.

OAS could consider creating a mechanism to address the absence of the resolution of electoral processes, particularly in post-electoral disputes, if the members felt a strong need for it.

5. Thematic Experiences

In this breakaway session participants were also divided into three groups allowing them to attend each session.

The focus of this breakaway session was on key thematic issues pertinent during election observation missions and lessons learnt.

Mr Mochammad Afifuddin, Programme Manager, AGENDA – JPPR, Indonesia and Ms Erni Andriani, Programme Manager, IFES Indonesia, highlighted the need people who are physically challenged to have access during elections, and, in this context, they referred to the importance of international and regional declarations on the rights of persons with disabilities. They also shared their organizations' methodology for specifically monitoring access, and they gave examples of findings by AGENDA and its partners in Southeast Asia based on their experiences of election observation.

Ms Rosa Serpa, Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS), presented the OAS methodology for the observing political-electoral financing systems and how they are measured in the region.

Mr Gilles Saphy, Project Director, Election Observation and Democratic Support (EODS) Project, EU, presented the EU experience observing women's participation in elections. He analyzed the participation of women (and other marginalized groups) in all parts of the political process as well as the barriers to participation and attempts to improve participation.

I. OBSERVING ACCESS TO ELECTIONS

Presented by Mr Mochammad Afifuddin, Programme Manager, AGENDA – JPPR, Indonesia and Ms Erni Andriani, Programme Manager, IFES Indonesia

Mr Afifuddin said that more than 1 billion people, or about 15% of the world population, experience some kind of disability. Of these, 90 million people living in Southeast Asia. Pointing to the existing international legal frameworks and to the regional and international benchmarks, Mr Afifuddin said that for AGENDA, UDHR Article 25, International Convention on Civil and Political Rights (ICCPR), UN Convention on the Rights of

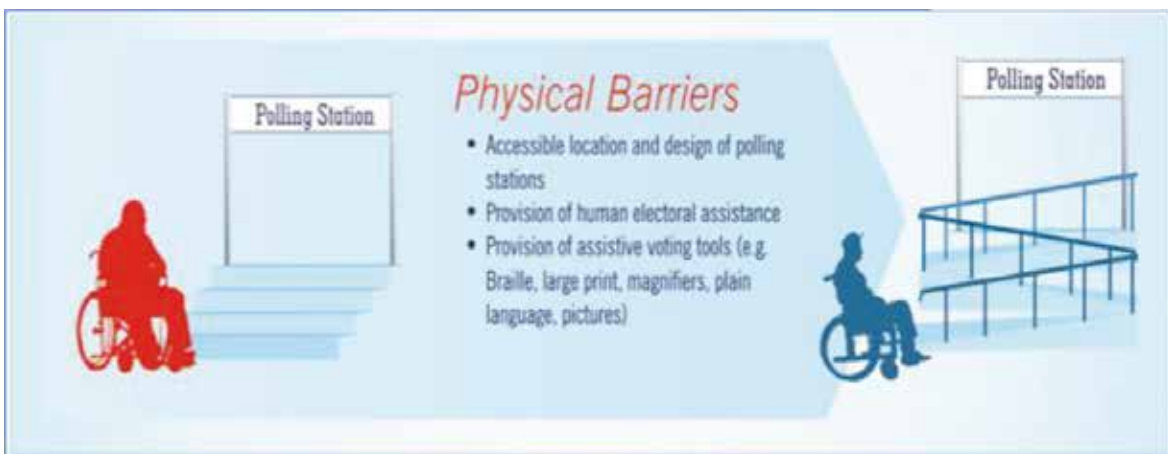


Picture 12 Mr Afifuddin sharing AGENDA's observations on access to voting for physically challenged. Photo credit: DFA

Persons with Disabilities (CRPD), UN Guidelines on Promoting Electoral Rights of Persons with Disabilities (PERIOD), ASEAN Charter, The ASEAN Declaration (Bangkok Declaration), Jakarta Declaration on South East Asian Electoral Community, and Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community, are the prime instruments in ensuring 'accessible elections', for People with Disabilities (PWD).

An accessible election is one that '...provides facilities for persons with disabilities (PWD) and is free from discrimination or other barriers to full political participation.'

Figure 13 Accessible Elections

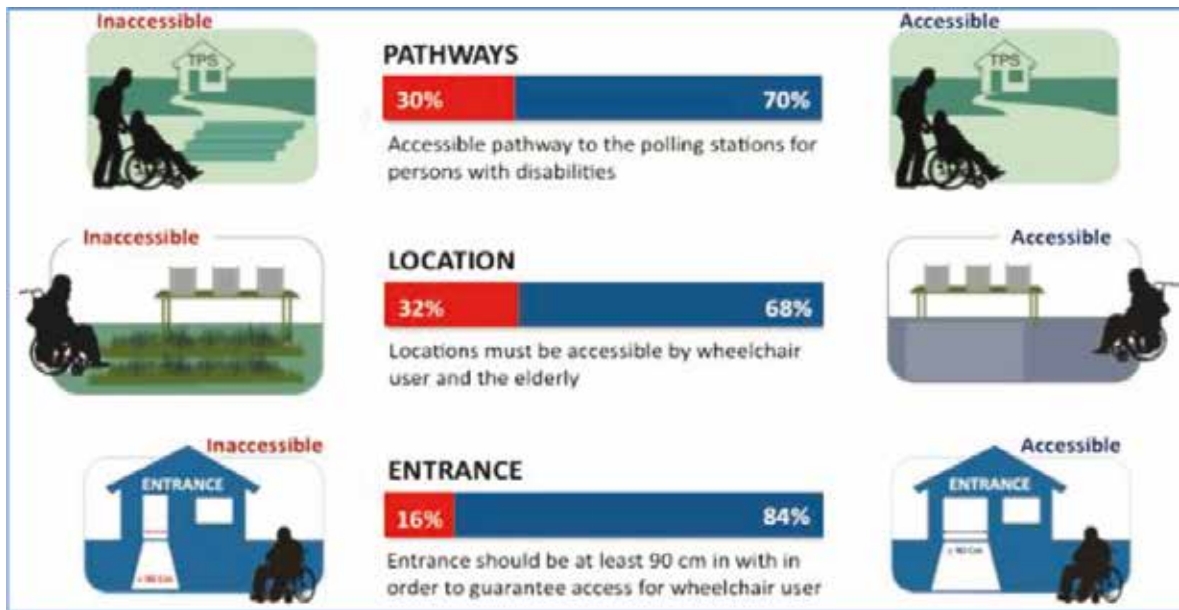


Physical barriers being: accessible location and design of polling stations, provision of human electoral assistance, provision of assistive voting tools (e.g. Braille, large print, magnifiers, plain language, pictures, etc.)

Figure 14 AGENDA Observation of 2014 Presidential Elections



Figure 15 AGENDA Monitoring Findings of 2014 Presidential Elections



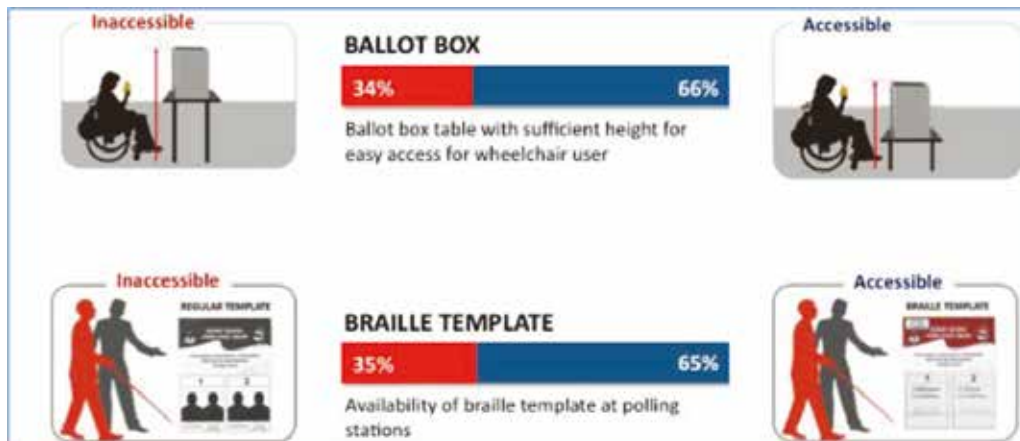
He explained that AGENDA, formed in 2011 as a General Election Network for Disability Access, is a coalition of CSOs and disabled person’s organizations in eight Southeast Asian countries, with the aim to promote and protect the political rights of an estimated 90 million persons with disabilities in the region.

One of the ways in which AGENDA advocates their aim to ‘promote and protect the political rights of an established 90 million PWD in Southeast Asia’ is by simulations (i.e. video role-plays of how accessible polling stations are on elections day).

Mr Afifuddin, and Ms Erni emphasized the challenges and barriers for the PWD on elections day. There are four challenges and barriers:

- (1) Legal (implementation);
- (2) Information (voter education and information is not accessible for PWDs);

Figure 16 AGENDA Monitoring Findings – contd.



- (3) Regional (unequal treatment for persons with disability); and
- (4) Physical location and design of polling stations - must have sufficient space, footing booths, not rocky, not have thick grass, width of at least 90 cms.

Sharing the example of 2014 Presidential election observation in Indonesia, AGENDA deployed observers in five provinces covering 30 sub-provinces (Kabupaten).

While setting up the observation mission, AGENDA developed three polling station checklists and post-election voter surveys, containing a total of 72 question items. 300 election observers were hired and trained, 50% of the observers were with a disability and of these, 34% were women observers with disabilities. AGENDA provided a total 60 hours of training on disability access issues and then deployed them to the five regions.

The observers monitored 470 polling stations, observing 1387 voters with disabilities during the voting process they interviewed 789 persons with disabilities, and interviewed 470 polling station staff members on disability access issues.

The access to election of PWDs is still an ongoing debacle to be pushed within ASEAN region, in this regards, the observation too of the access to election is still being improved to be better than before. Taking one step at a time, Indonesia adheres to the issue and even though as few as 16% or 74 polling stations (during 2014 Presidential elections) provided adequate PWD access, it is important to note that EMBs and polling stations are taking the initiative and adhering to the norm of providing access to elections.

The speakers ended their session by stating that even PWDs are not aware or socially conscious of the barriers facing them during elections. AGENDA therefore emphasizes advocacy of their electoral rights and for disseminating information to help create awareness not only among PWDs but also among those who assist them, including EMBs that are responsible for providing access to polling stations for PWDs during elections.

II. OBSERVING CAMPAIGN FINANCING

Presented by Ms Rosa Serpa, Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS)

Ms Serpa described the OAS work on political-electoral financing systems and shared the results on this subject drawn from an analysis of the OAS' 27 final EOM reports, issued between 2008 – 10:

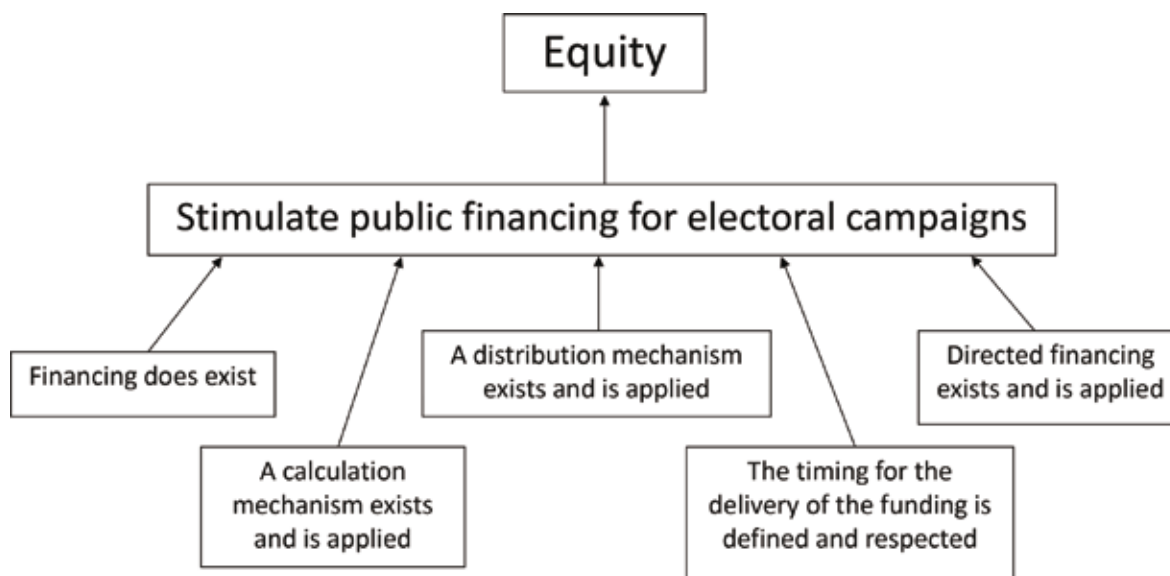
- In 16 cases (60%) the OAS included a recommendation related to the issue of political-electoral financing;
- Most of the recommendations signaled the need for additional legislation or to improve the enforcement of existing norms;
- Until 2010, the observation of political-electoral financing was an ad-hoc activity of the specialist in charge of electoral analysis;
- As part of the process of professionalizing EOMs that began in 2006, the decision was made to prioritize the subject of equity in electoral financing. This was the starting point for the conception of the methodology and conducting pilot studies.

In 2010, OAS started to work on the methodology through systematic gathering of information of an eight-indicator survey, broadly categorized under two main sets of conditions, namely equity and transparency. Equity means - to guarantee condition of equality in the spending of campaign resources. Transparency means – seeking guarantee for conditions favourable for access to information.

Equity conditions have the following four indicators:

- (1) **Promotion of public financing** - Increasing the financing for elections;
- (2) **Prohibition of the misuse of public resources** - Preventing the use of the public budget, goods or services and prohibition of public office for campaign affairs;
- (3) **Restrict private financing** - Reducing the amount of resources for political campaign that could effect equity of election financing; and
- (4) **Limit campaign costs** - balance between the relationship between private and public expenditure in the political campaign.

Figure 17 OAS Process to Observe Equity



Transparency conditions have the following four indicators:

- (1) **Reporting**- obligation of parties to submit a report to the general public, political parties fill out a survey form to gather information;
- (2) **Government oversight** – obligation of public institution to monitor the flow of public campaign;
- (3) **Sanction system** – penalties for any violation of transparency and equity provisions; and,
- (4) **Access to information** – the guarantee that anyone may access any important information, regarding the flow of campaign resources, during an election period.

How does OAS observe? It observes through a survey tool covering variables on **existence of financing** and **calculation mechanism**.

The different stages of the observation of political-electoral financing are as follows:

- (1) Initial Stage: (i.) Design and approval of a work plan; (ii.) Elaboration of a preliminary study; (iii.) Preparation and development of a preliminary visit; (iv.) Begin to complete observation questionnaires; and, (v.) Preparations of the observation visit.

- (2) Installation Stage: (i.) Meeting with specialists of the core group; (ii.) Meetings with key actors; (iii.) Collection of data from regional coordinators; and (iv.) Proceed with the filling of forms.
- (3) Final Stage: (i.) Draft a preliminary report; (ii.) Finalize the completion of questionnaires; and, (iii.) Final report drafting, and its approval.

OAS methodology benefits EOMs by broadening the scope and vision of the electoral observation beyond the elections day, contributing to the professionalization of the EOMs that started in 2010. The recommendation's provide more capacity for co-operation, and, gives information to local actors and empowers them to start internal discussions regarding political campaign resources.

It is important to limit financing from private sources for political parties, in order to allow “small” political parties to participate in the election campaign. Public financing is encouraged through equity. For OAS, it depends on which countries they are covering as it could be the case that 50% of financing distributed all political parties is from public sources, while the other 50% comes from private donors.

In the Caribbean, there is a lack of a financing legislation. OAS has drafted a model law on election and financing systems, and presented it to each state in

the region for consideration. Thus using the initiative to raise awareness on the importance of electoral financing legislation.

There are two elements by which we can look how this methodology works: First by assessing the framework and, second, by observing what actually happened in practice. For OAS, it does both, and gives equal importance. OAS conducts a preliminary study so it can have a good overview of the countries considered for the EOMs.

OAS assesses the laws of a country to understand and know if there is a campaign-financing limit. It does not monitor the donations of foreign actors, but the EOM representatives go straight to political actors to ask for information. To create a positive momentum and for future monitoring at the local level, there is a need to take initiatives like drafting of model legislation for consideration by lawmakers.

OAS works with both established specialists and non-experts, but who can undergo relevant trainings and experience sharing. OAS role is to gather information and analyze it. It does not monitor its implementation, but sees if there is a system and if this works or not.

Experts are included in the EOMs and chosen based on experience and background. They may come from NGOs or other sectors. These experts work with other members of the EOM. However, a non-expert, trained to use the checklist form, for proper implementation of the methodology, may conduct the survey.

Primary information is gathered by meeting with various national election actors and authorities, while EOM volunteers gather information at local areas. There are recognized limitations, thus OAS EOMs cannot give conclusions. There is no international norm yet, but it is very important for every country to have a public financing system in place to allow small parties to participate in election campaigns.

The methodology allows flexibility to consult with the media who also monitor campaign-financing matters. Experts only monitor their area of jurisdiction. OAS asks the EMBs, political parties, or other responsible institutions for a copy of the campaign finance report.

A campaign finance expert is included in the composition of the EOM. The country concerned is then notified of this.

III. OBSERVING WOMEN'S PARTICIPATION IN ELECTIONS

Presented by Mr Gilles Saphy, Project Director, Election Observation and Democratic Support (EODS) Project, EU

Since 2013 of the European Union has funded the Election Observation and Democratic Support (EODS) Project, the EU's capacity-building framework for election observation. Mr Saphy¹¹ noted that the EU's basic reference documents on women's participation are found in the following documents:

Commission Communication 191/2000 on Electoral Assistance and Observation, which refers to assessing the registration of voters without discrimination.

The Council Regulations¹² (975/99 and 976/99) on EU programmes of democracy consolidation, which provides support for electoral processes, in particular by supporting independent electoral commissions, granting material, technical and legal assistance in preparing for elections, including electoral censuses, taking measures to promote the participation of specific groups, particularly women, in the electoral process and by training observers.

These resources are supported, further by the Handbook for European Union Election Observation, and, the Declaration of Principles for International Election Observation.

EU EOMs aim to include an analysis of the participation of women and other marginalized groups in all parts of the political process, as well as their barriers to participation and/or attempts to improve participation both in office or as voters, within election management bodies, within political parties and in civil society. Mr Saphy noted that there have been improvements in the Inter-Parliamentary Union (IPU) ratings of some countries in this area (see the IPU's - Women in Parliament 2013, comparing ratings from 1995 to 1 January 2014).

¹¹ Mr Saphy is an election/legal expert with over 15 years of international experience with the European Union and the OSCE/ODIHR in election observation as well as in election-related technical assistance and follow-up projects. He has particular expertise in election observation methodology, international standards for democratic elections and analysis of electoral frameworks. Gilles Saphy was most recently working in managing positions for election-related projects in Tunisia, Myanmar, Aceh and Afghanistan.

¹² Report from the Commission on the implementation of measures intended to promote observance of human rights and democratic principles in external relations for 1996-1999

Mr Saphy went on to note that:

De Jure discrimination of women is relatively rare;

Underlying barriers to women's participation that the State has an obligation to try to overcome do exist;

Examples of possible impediments include the electoral system, procedures for registering voters and voting, access to polling stations, campaign finance, etc.

While examination of whether there is an enabling environment for women generally is relevant, the value-added and specific mandate of an EU EOM is in assessment of specific election-related issues and of the measures taken by the State.

International legal frameworks in operation include the ICCPR of 1966, Convention on the Political Rights of Women (CPRW) 1952, CEDAW of 1979, UN Resolutions and other regional instruments. A benefit of this is seen reflected on the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Article 9, outlines the 'Right to Participation in the Political and Decision-Making Process', elaborating that:

'States Parties shall take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling legislation, and other measures to ensure that: a) women participate without discrimination in all elections; b) women are represented equally at all levels with men in all electoral processes; and, c) women are equal partners with men at all levels of development and implementation of State policies and development programs. States Parties shall ensure increased and effective representation and participation of women at all levels of decision-making.'

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by UN General Assembly in 1979 with 188 State parties, including ASEAN member states, obliges them:

'To ensure that there is no discrimination against women in their laws and that women are protected against discrimination by public authorities; To improve the de facto position of women through concrete and effective policies and programmes; and, To address the persistence of gender-based stereotypes.'

CEDAW's Article 4 and Article 7, obliges them to 'undertake temporary special measures', and 'ensure political rights' of women. These articles have been further elaborated in, General Recommendation's No. 23 and No. 25, by the CEDAW Committee. It must be noted, that all ASEAN Members are party to CEDAW and none has made reservations on Article 4 or Article 7.

The main principles of CEDAW General Recommendation No 23 are:

Strong language is used in CEDAW: 'eliminate' and 'ensure - thus, states party to the treaty have clear positive obligations.

De-jure, equality is not sufficient but there must be de-facto equality. 'The critical issue is the gap between the de jure and de facto, or the right as against the reality of women's participation in politics and public life generally.'

De-facto equality may in part be measured, using the widely recognised, 1995 Beijing Declaration and Platform for Action minimum target of 30% women in legislative bodies.

There is an onus on the State to take 'all appropriate measures' to achieve such equality. However, the exact form of these measures is not elaborated, and, is therefore a matter for each state to decide upon.

All branches of the state are covered by the treaty, including the election administration, state media, and the judiciary.

Non-state actors are also concerned: State measures must also target discrimination against women by any person, organization or enterprise.

Governments should encourage political parties to adopt effective measures.

States must develop and provide statistical data showing the percentage of women relative to men who enjoy political rights.

Assessing these requires the EOM to look for the following:

Equality in the legal framework:

Equal participation and/or target of 30% of elected representatives female (1995 Beijing Platform for Action);

Availability of statistical data on women's participation;

Any special measures of the State to overcome discrimination remove barriers to participation and achieve equality.

Effectiveness of these measures, in particular regarding:

The electoral system, for example, quotas or reserved seats for women.

The administration of the election, for example, making candidate and voter registration and polling more accessible for women, and measures taken to strengthen the presence of women within the election management body.

Campaigning and funding, for example, increasing access to state resources, protection of female candidates, etc.

State media coverage, for example, giving extra airtime to women in politics and female candidates.

Electoral dispute resolutions.

When approaching the electoral system, we need to remember that, 'The electoral system is a very sovereign matter, and international instruments do not create obligation regarding the choice of a specific electoral system'. ICCPR **does not impose any particular electoral system**. Instead, a mission can refer to the UN General Assembly Resolution 66/130 on Women and Political Participation (2012). In this resolution, the UN General Assembly:

'... Urges all States to take, inter alia, the following actions to ensure women's equal participation, (a) To review the differential impact of their electoral systems on the political participation of women and their representation in elected bodies and to adjust or reform those systems where appropriate...'

Mr Saphy emphasized, that with the above objectives in mind, the following questions are what they look for in a mission, namely:

- International law and its compliance by the host state;
- Is there equality of outcome?
- Is there an enabling environment (i.e. position of women in society);
- If there is not substantial equality, then how (un) satisfactory are the temporary special measures in use?
- Legal provisions;
- How does the EMB measures, consults, what extra measures it takes on women's issues?

- How does the state media supports participation?
- What political parties are required to do and what are they doing?
- Additional external sources include: state and alternative/shadow reports to treaty monitoring bodies, women's and human rights commissions, ministries, and the civil society organizations.

Mr Saphy also provided a matrix of women's participation in the EU's EOMs, between 2011 - 13, and the designated core team members, or the mainstreaming officials who have been principally involved in gender mainstreaming. The current trend leans towards the non-participation of gender experts but that each expert has to be closely involved in gender mainstreaming.

However, there have been challenges on mainstreaming as:

Each CT expert does not know so much about gender issues, so is not asking the right questions, etc.

No one prioritizes these issues and there is lack of overall responsibility

There are gaps between expert areas (e.g. general questions on enabling environments.

Exploratory missions are sent out and their findings considered and endorsed by senior officials before the deployment of the team to conduct the electoral observation process. The observation mission is not composed entirely of experts and the experience has been that, due to budget constraints, there are around 7 - 8 experts out of 14 originally envisaged on the team.

According to Mr Stevens, mainstreaming has both advantages and disadvantages. To the crux is the number of women participants and how many of them hold important positions. For example, 54% of the Rwandan parliament is composed of women, but they have no or little influence. He recommended looking beyond numbers, as these can be misleading.

Similarly, Mr Gilles said that Rwanda and Cuba have the highest number of women in parliament, but reiterated that numbers could hide a more complex reality. The same phenomena may be observed in other countries, for example in Southeast Asia women presidents tend to be the heirs of their family political legacy.

The EU's expectations on gender mainstreaming have been neglected in the past, largely due to the ignorance about the legal framework and lack of guidelines on

how to approach this issue. If there is an expert in the mission she or he tends to become something of a 'ghetto' as the gender analyst. That person is expected, unlike others on the team, to have to work closely with all the other experts to take on the burden of covering all issues including political, legal and elections matters, in the host country.

The challenge is therefore to improve the awareness training for the team experts by including women's participation in addition to other key topics such as the voter registration process, logistics, etc.. One of the 14 members of the core team should provide a report on women's participation. This task is becoming somewhat easier to perform but still has its own difficulties, for example in situations where the team needs to deal with the existence of national minorities.

Women's representation in the EUs EOM is at a balanced 50:50 ratio across eight or nine missions throughout the year. Indeed, missions are often female dominated, including at the leadership level.

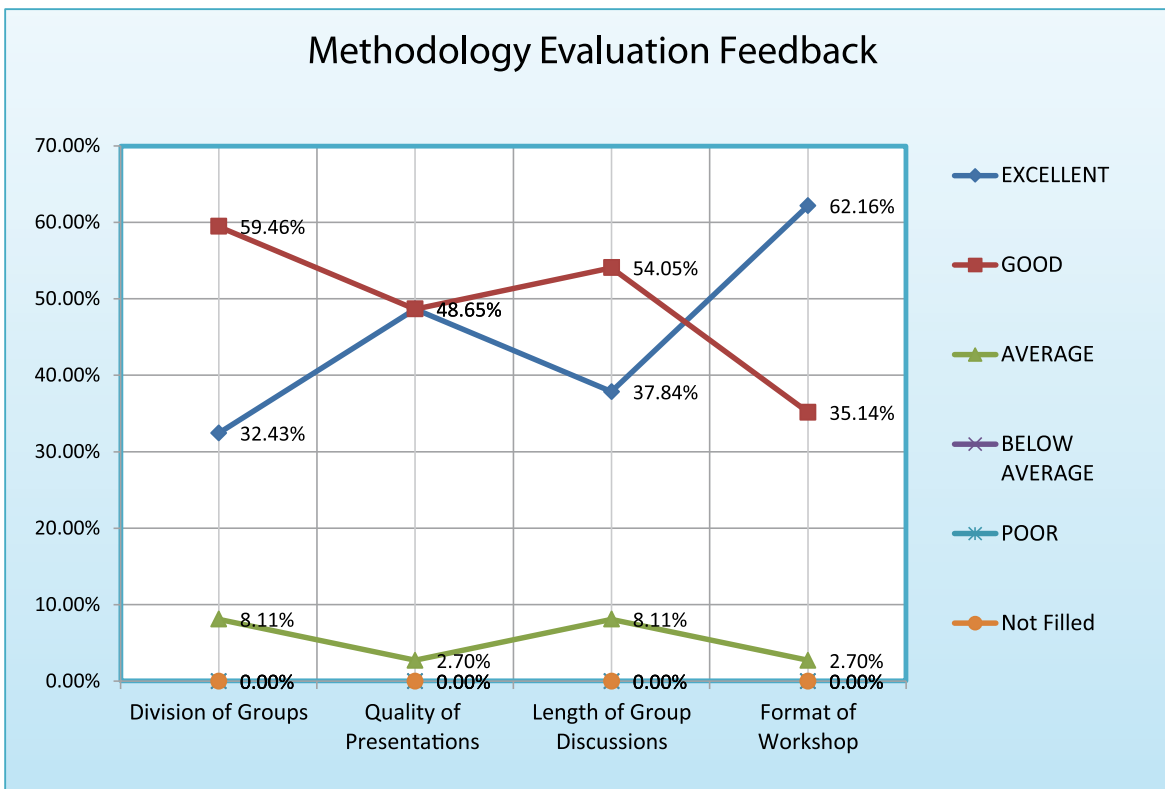
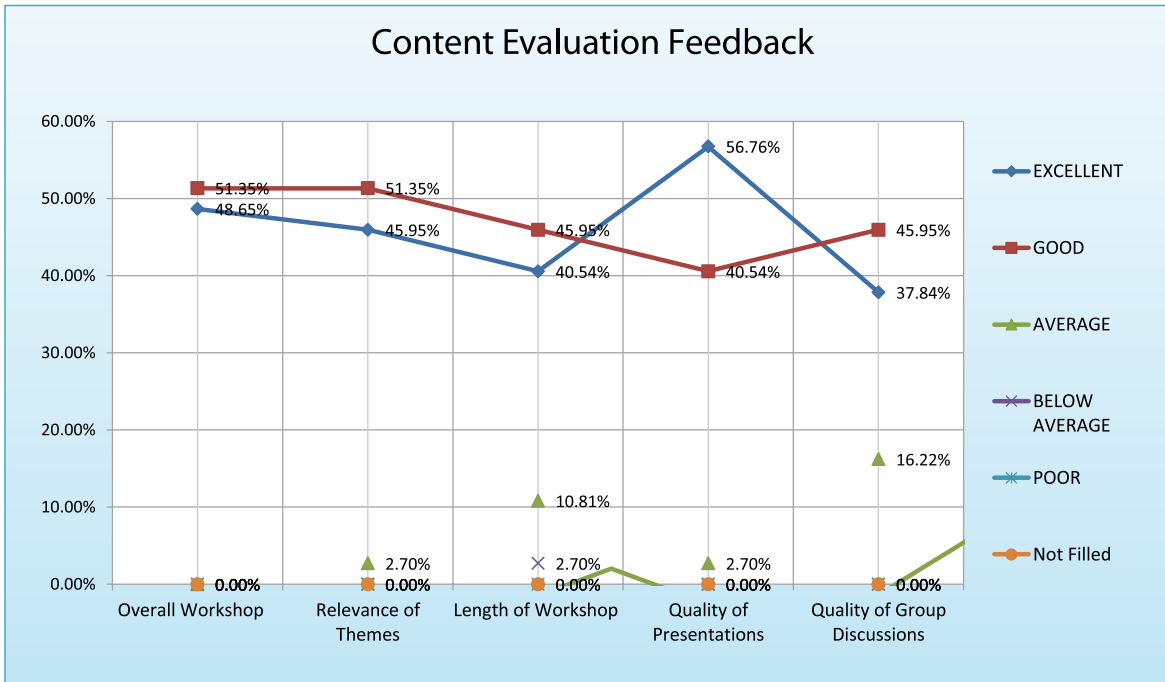
Gender mainstreaming now appears to be more accepted and the role of education to support this is understood. Yet education takes time to actually have an influence on the proportional representation system. Ultimately the implementation of measures to support women's participation is a decision for lawmakers. The EU recommends implementing definite measures to meet accepted targets and review the electoral system on women's participation, because under CEDAW states are encouraged to promote women's participation even in more traditional communities.

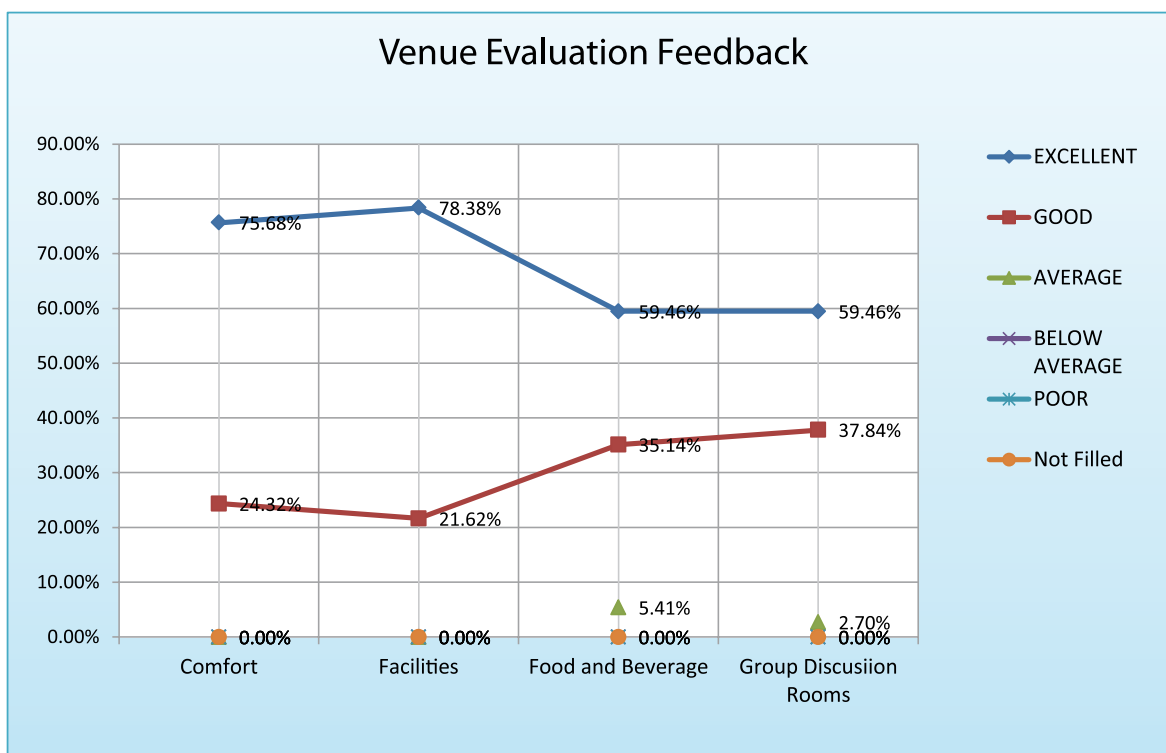
Mr Saphy said that Thailand implements proportional listing of male and female candidates. CEDAW already binds the signatories, but culture still has a strong influence on what action is taken to increase women's participation. The Indonesian Commission has been able to promote women's participation on provincial electoral bodies. Some 30% of the EMB's are composed of women, but at the provincial level it is possible to nominate a larger number. While more women are needed in politics, Asia is able to point to have examples of women in politics, including as Presidents and Prime Ministers. Yet one needs to be cautious when considering this because many are daughters of previous politicians, and therefore while they serve as inspirations of women in power, they are also a reflection of the operation of political dynasties, and political elite families holding on to power.

Mr Stevens advised that EMBs should have gender-aggregated data readily available because this provides useful information for civic education and policy.

6. Post-Workshop Evaluations

I. PARTICIPANTS FEEDBACK TABULATIONS





II. WHAT DID YOU FIND MOST USEFUL?

Participants found ‘the world café’ model for conducting the workshops to be useful, with case studies used from around the world very useful for sharing experiences, especially on the cooperation between ASEAN, EU and others. For some participants, the quality of presentations, panel and the group discussions were most useful. The panel/group discussions generated some frank discussion, along with the overall content of the presentations and information shared in the various sessions. This included the discussions on the methodology of election observation by other regional organizations, with the representatives from EU, OAS, AU and Commonwealth bringing practical explanations to support their insights.

The breakout sessions were very useful in pointing out the pertinent issues not addressed during plenary session. The breakout sessions elicited more information and promoted dialogue and exchange of ideas as smaller groups enabled more opportunities to ask questions and engage speakers.

For some of the participants, the regional experiences were important as a basis of comparison with what ASEAN countries want to achieve. One participant

noted that, ‘the methodologies and the rationale of having an international election observer mission within one region plus the challenges of having one’, was indeed useful overall. For some the main benefit derived was the knowledge gathering about election observation using international standards, and, the possibility of putting this into practice in the future, using the principles of election observation and on the role of observers in elections.

Many of the participants felt that the information was clear and useful and allowed them to understand new ideas in observation, especially observing campaign finance, accessibility in polling places and idea of follow up sessions.

The relationship between international observers and domestic observers should be improved. Sharing experiences with regional organizations around the world to raise awareness of the importance of electoral observation missions during elections is important. It also facilitates knowledge transfer of other observation mission with another country. The knowledge of and the mechanism of election observation, especially the good experiences from the organizations like OAS, AU, and EU was good.

III. HOW COULD THE DIALOGUE FROM THIS WORKSHOP BE TAKEN FORWARD?

Many of the participants felt that the information was clear and useful and allowed them to understand new ideas in observation, especially observing campaign finance, accessibility in polling places and idea of follow up sessions.

ASEAN Member States should establish some mechanism for regional cooperation in observation. Drafting of an ASEAN International Election Observation Manual should be undertaken.

This present workshop provides a foundation for further discussion, network and promoting exchanges between AMS. A review and analysis of some examples can help identify those, which are applicable in our settings and utilize them at national and or regional level. However, there is also a need to give focus on specific challenges common to all AMS in the region.

At the national level, it should be taken forward: one Cambodian delegate suggested sharing the outcomes with all Cambodian Commissioners, media and trainers; while a Myanmar delegate aimed to put into practice the knowledge gained in the forthcoming Myanmar elections.

Follow up workshops, maybe in smaller groups could be conducted to work on the framework of what to achieve, e.g. regional observation group and manual. These recommendations should be brought to the attention of the ASEAN Bodies, i.e. ASEAN Political-Security Community (APSC) and some of its sub-bodies like – AICHR, ASEAN Foreign Ministers Meeting, ASEAN Regional Forum (ARF), and, ASEAN Law Ministers Meeting.

From the outputs and findings of these workshops, AMS should pursue serious discussions and decisions on the establishment of its own ASEAN International Election Observers for the future and for the benefit of the region. The aim would be to have a standard norm on election observation for all AMS that will improve professional capacity of election observers, especially local ones, think about election observation deeply and make observation missions be more productive in the future.

The experience sharing could facilitate people working for an elections commission or on an election

observation to improve and learn from other regions and countries. Giving information and knowledge to others about how the observation is working and how it can be practiced in ASEAN Countries by sharing the workshop report would also facilitate regional collaboration, including more broadly with other regional observation organisations.

IDEA and AMS should encourage connections between existing positive ASEAN models, such as COMELEC in the Philippines and KPU in Indonesia, elsewhere in the region. IDEA could coordinate with individual AMS and with intended dialogue partners on the need to adopt and implement a standard election observation electoral practice, and for the ASEAN Secretariat to host a regional database of observers. The discussion from this workshop seems to be more driven towards education and awareness for countries with a practice of election observation. This experience could help inform the election observation process.

A delegate also recommended compiling and publishing ASEAN EOM experiences for reflection and promoting a regional framework.

IDEA could consider creating a network of EMBs or an ASEAN EMB Association, and, consider involving ASEAN observer organizations. Involvement of inter-governmental organizations (IGOs) would help to better move this forward.

IDEA and AMS could strengthen their cooperation, and awareness of election observation. Organizing Election Observation in ASEAN becomes a pertinent step forward to ensuring the creation of a regional election observation body.

IV. OTHER COMMENTS ABOUT THE WORKSHOP

Delegates found the workshop very well organized, informative and productive. A special workshop was proposed for all chairpersons of EMBs to meet each other and share information and experiences.

While the underlying theme of the workshop focused on learning from other regional organizations, insufficient attention was given to the formative matters for ASEAN. A Plenary Session should have been devoted to recommendations.

It was commented that if possible, the mix up of each member from different countries in one group would

have facilitated and generated more ideas and opinions, and the regional workshop could be extended to three or four days. Invitations should be extended to election observation organizations to join the workshop to develop a common knowledge.

In follow up workshop(s), ASEAN Member States may also share their experiences in how they conduct election observation.

A delegate suggested that monitoring and providing financial assistance to election observers in AMS should be considered.

7. Post-Workshop Recommendations & Actions: Setting up an ASEAN Election Observation Mechanism

AMS aim to create an ASEAN Community by 2015 and focus on regional harmony in a post-integration setup. The ASEAN Charter adopted in 2007 proves ASEAN's commitment to the principles of 'adherence to the rule of law, good governance, democracy and constitutional government'. The APSC Blueprint commits ASEAN to:

- Promote the principles of democracy, e.g. by convening seminars, training programmes and other capacity building activities for government officials, think-tanks and relevant civil society organizations to exchange views, sharing experiences and promote democracy and democratic institutions. (A.1.8.ii)
- Conduct annual research on experiences and lessons learned about democracy aimed at enhancing the adherence to the principles of democracy. (A.1.8.iii)¹³

The participants' recommendations from the post-workshop evaluation (Section 14), can be broadly categorized into the following:

I. ASEAN NETWORK OF ELECTION MONITORING BODIES

- a. Develop a Secretariat of a regional EMB network linked to ASEAN Secretariat. An Inter-governmental organization such as International IDEA may initially provide its services as the Secretariat, consisting of one or two people to initiate the process, supported by Dialogue Partners (DPs).
- b. Facilitate strengthening of the network and management, and facilitate communication and partnership between EMBs either bilaterally or

multilaterally.

- c. Capacity development via workshops, staff exchanges, seminars, forums, exposure visits, sharing resource materials, and other mutually agreed actions.
- d. The Network will have to be accredited to ASEAN: the ASEAN Secretariat has offered assistance in providing advice on the procedures. As a requirement, EMBs would need to establish this network through a mutual agreement.
- e. A timeline should be set to establish the network, enabling it to respond to upcoming elections in the ASEAN region.
- f. AMS that do not wish to invite international observers should not feel obligated to do so: when other AMS do, however, representatives from all AMS may want to take part in certain missions for improving their understanding of election observation, capacity development, and getting first hand exposure to election observation processes.
- g. ASEAN EMBs in need of capacity development should, with the facilitation of the ASEAN Secretariat and other relevant inter-governmental organizations, engage and work with dialogue partners and international assistance providers for strengthening their electoral processes and institutions through understanding the international framework on election observation, international principles of free and fair elections, and the code of conduct essential for undertaking any election observation mission.
- h. Upcoming general elections in Myanmar, Indonesia¹⁴, the Philippines, and Thailand provide good opportunities for a focused election observation trials as the first step, to be undertaken for capacity building and development of the framework ASEAN Network of EMBs and if desirable, towards policy and procedures for EOMs. Lessons learnt from these elections could provide ASEAN member states with good inputs

¹³ Excerpts from the Message by Dr. Surin Pitsuwan, Secretary-General of ASEAN, at the ASEAN Electoral Management Bodies' Forum, 'Inspiring Credible ASEAN Electoral Management Bodies', Jakarta 3 – 5 October 2011. Source: <<http://www.asean.org/resources/2012-02-10-08-47-56/speeches-statements-of-the-former-secretaries-general-of-asean/item/message-by-dr-surin-pitsuwan-secretary-general-of-asean-at-the-asean-electoral-management-bodies-forum-inspiring-credible-asean-electoral>>

¹⁴ Simultaneous Head of Region Elections (in 64 provinces and regencies/cities) on 9 December 2015 – legally, they are all general elections.

for building and strengthening their respective electoral processes.

II. ELECTION OBSERVATION

- a. Further exposure of MFAs and EMBs towards the conduct, procedures, mechanisms, roles and responsibilities, and limitations of EOMs, for example by taking part in EOMs organized by other regional organizations or other election monitoring organizations (EMOs).
- b. ASEAN Member States (AMS) should determine ASEAN's response to invitations from either member states or outside the region, e.g. upcoming elections in Myanmar, Philippines, Thailand and Indonesia's local elections.
- c. ASEAN EMBs, International IDEA and dialogue partners should open dialogue and engage the AMS High Level Task Force on ASEAN Community Vision 2025 to get election observation included on the ASEAN political cooperation agenda.
- d. ASEAN EMBs should consider engaging more with EOMs, using the global Declaration of Principles and Code of Conduct as a base for their accountability during election observation. A good example is the use of the code by the Union Election Commission (UEC) of Myanmar in developing their Election Monitoring Code of Conduct, detailing basic rules that will apply to both local and international observers.
- e. ASEAN EMBs should consider working together to develop the network and connection with each other to facilitate experience sharing and learning on electoral processes under the umbrella of ASEAN Network of EMBs, including for learning about and experiencing EOMs from ASEAN member states and beyond.

III. POST-WORKSHOP ACTIONS & ACTIVITIES

a. Upcoming Elections and Opportunities in AMS

- Based on the tentative dates declared by various AMS, Myanmar General Elections on 8 November 2015, the Philippines Presidential and Vice Presidential Elections on 9 May 2016, Indonesian General Elections 2019, and Thailand General Elections sometime in

2016/2017 (undecided) present opportunities to ASEAN and IDEA in putting together a regional framework for elections observation as trials and learning opportunities.

- ASEAN EOM presents opportunities for lessons learnt from these experiences in evolving and developing an ASEAN Election Observation Mechanism on a par with its international counterparts in EU, OAS and AU.

b. National Follow-up Workshops & Seminars

- To build towards a AMS response through ASEAN's own regional mechanism before ASEAN EOMs become fully institutionalized, IDEA and ASEAN Secretariat can organize national follow up workshops with election commissions engaging key stakeholders from Ministry of Foreign Affairs, other ministries, national human rights institutions, CSOs, NGOs and academic institutions.
- These activities will provide ECs, MFAs, and IDEA with key recommendations and inputs for the development of the regional EMB network, building credibility and legitimacy for its transparency and inclusiveness.

c. National and Regional Capacity Building Activity(s)

- AMS ECs along with IDEA could jointly provide the benchmark election observation training BRIDGE: A Course on Electoral Processes to the key stakeholders identified as a step in building up national technical capability for election observation missions at regional level.
- Key participants from national workshops and activities could come together for a regional experience sharing on Simulation Workshops on *Organizing ASEAN EOM*, before any regional mission deployment.
- EC staff those who successfully pass could be further technically skilled under the BRIDGE: Facilitators Accreditation Programme.

d. ASEAN Secretariat & IDEA: Engaging Partners for Dialogue and Legal Ratifications

- Organizing ASEAN EOM AMS, ECs and IDEA would require dialogue with some of the key ASEAN bodies at regional level for any ASEAN election observation mechanism to be

legally created and given legal legitimacy in order to provide unhindered support for access to elections being held in the region. Some of these bodies to be engaged are ASEAN Summit, ASEAN Coordinating Council, ASEAN Community Councils, ASEAN Committee of Permanent Representatives, ASEAN National Secretariats, ASEAN Secretariat, AICHR, ACWC, ASEANPOL, AIPA, and ASEAN Law Association.

e. Asian Engagement with other EMBs

- IDEA could facilitate an Asian Regional experience sharing with other EMBs sometime in 2016, which could provide opportunity for the ASEAN region to both share and learn from other Asian experiences on election observation. Key countries to be considered for experience sharing may include Nepal, Sri Lanka, Afghanistan, Bangladesh, and countries from the Central Asian region.
- IDEA could also engage the Election Commission of India to share their long-standing experience of managing large scale general and state elections, implementing electoral laws, and its checks and balances to ensure free and fair elections by an EMB.

f. Engaging ASEAN & Asian Civil Society

- IDEA and ASEAN Secretariat can gradually facilitate the participation as Dialogue Partners of various groups working at regional, sub-regional and national level for the electoral rights of vulnerable groups, minorities, women, and physically challenged people, ensuring that their right to vote is upheld with the utmost respect by EMBs and the legal framework developed is reflective of the inclusive goal of the ASEAN political security community.

8. Annexes

I. WELCOME REMARKS BY MR J. ANDRES D. BAUTISTA, CHAIRMAN OF THE COMMISSION ON ELECTIONS (COMELEC) OF THE REPUBLIC OF THE PHILIPPINES ON THE OCCASION OF THE ASEAN WORKSHOP ON ELECTION OBSERVATION, MANILA, PHILIPPINES, 24 JUNE 2015

Heads of Delegation from ASEAN member-states,

Excellencies,

Distinguished guests and dear friends,

I am honored to welcome you all to the first Association of Southeast Asian Nations (ASEAN) Workshop on Election Observation. I am very pleased to see here in Manila representatives from the ASEAN member-state's Ministry of Foreign Affairs and their Permanent Missions to ASEAN, counterparts from Election Management Bodies, representatives from the Republic of Korea, and regional organizations that conduct election observations.

I thank the International Institute for Democracy and Electoral Assistance (IDEA) for the support and for making this event possible. I would like to also express my gratitude to the Philippine Department of Foreign Affairs (DFA) and COMELEC's own Committee on International Relations for the hard work and excellent arrangements made for this workshop that reflects the Filipino's warmth and hospitality.

As the oldest democracy in Asia, it was with great excitement when COMELEC first received word that there were plans to hold a Workshop on Election Observation in the Philippines. As we celebrate the Commission's 75th Anniversary, we have come to deeply appreciate the value of election observation missions. This Workshop comes also on the eve of the 2016 Philippine National and Local Elections.

For a host country, election observation mission is an important source of third-party opinions on how adeptly the polls have been managed, how the electorates' rights and privileges have been upheld, and ultimately, on how credible, orderly, and peaceful the elections were.

For election observers, missions offer an opportunity to understand how things are undertaken in the host country and to learn about the best practices. The interactions of observers with the broad spectrum of stakeholders bring with it a deeper understanding of the culture, aspirations and the values of the host country's people.

With the dawn of the ASEAN integration, election observation will be an important tool that will bond our states into an even stronger regional whole. It will be an important portal through which we can interact with the rest of the international community – learning from others as they learn from us and about us.

Through this ASEAN Workshop, I hope that we will foster meaningful exchange and collective understanding on election observation. As we share our country's experiences in the next two days, I am optimistic that we will discuss and find ways on future collaborations in this area.

Thank you very much and we look forward to everyone's contribution.

II. WELCOME REMARKS BY MR ANDREW ELLIS, INTERIM REGIONAL DIRECTOR FOR ASIA AND THE PACIFIC, INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE (IDEA), ON THE OCCASION OF THE ASEAN WORKSHOP ON ELECTION OBSERVATION, MANILA, PHILIPPINES, 24 JUNE 2015

Heads of Delegations of ASEAN Member States

Chairs and representatives of ASEAN Electoral Management Bodies

Hon Undersecretary Rafael Seguis and Representatives of the Republic of the Department of Foreign Affairs of the Republic of the Philippines

Hon. Chair Juan Andres Bautista of COMELEC and Representatives of COMELEC

H.E. Dr A. K. P. Mochtan, Deputy Secretary-General of ASEAN, and

Representatives of the ASEAN Secretariat

Representatives of the Republic of Korea

Friends and colleagues who work to support legitimate and credible elections

I would like to welcome you to this workshop on behalf of the Secretary-General of IDEA, Yves Leterme, former Prime Minister of Belgium.

I would like first to express specific thanks on behalf of IDEA: To ASEAN and the ASEAN Secretariat as partners in this event; To the Department of Foreign Affairs of the Republic of the Philippines, the Member State of both ASEAN and IDEA which has brought us together here in Manila; To COMELEC as the host partner Electoral Management Body for this event; and To the Republic of Korea for its generous support in the financing of this event.

IDEA is the only global intergovernmental organization focused on democracy, and celebrates 20 years this year. IDEA has 28 Member States from all round the globe, including two countries, which are also Member States of ASEAN – the Republic of the Philippines and the Republic of Indonesia. IDEA has worked for several years with ASEAN partners, for example through the ASEAN Electoral Management Bodies' Forum held in Jakarta in 2011, through constitutional training, and through comparative discussion and training on electoral dispute resolution. In addition, ASEAN has been an active and engaged partner of the Inter Regional Dialogue on Democracy convened by IDEA, in the course of which regional organizations worldwide have compared experience and discussed democracy and governance issues including electoral process, political representation, and rule of law and constitutional issues.

IDEA is delighted now to be able to support ASEAN in a practical way as its Secretariat and Member States continue to move to implement the ASEAN Charter. This workshop brings together global and regional experience on electoral observation as ASEAN develops and crystallizes its commitments on democracy and governance contained in the Charter, taking forward the discussion on electoral observation and the contribution, which it can make within ASEAN.

I very much look forward to the discussions of the next two days.

III. OPENING REMARKS BY HON. RAFAEL E. SEGUIS, UNDERSECRETARY, OFFICE OF THE UNDERSECRETARY FOR CIVILIAN SECURITY AND CONSULAR CONCERNS (OUCSCC) AND CHAIRMAN FOR OVERSEAS ABSENTEE VOTING SECRETARY (OAVS), DEPARTMENT OF FOREIGN AFFAIRS, ON THE OCCASION OF THE ASEAN WORKSHOP ON ELECTION OBSERVATION, MANILA, PHILIPPINES, 24 JUNE 2015

Your Excellency, Deputy Secretary Dr A.K.P. Mochtan of the ASEAN Secretariat;

Honorable Chairman Andres Bautista of the Commission on Elections and COMELEC Commissioners;

Excellencies, esteemed representatives from the electoral management bodies of ASEAN, distinguished guests, ladies and gentlemen, good morning and welcome to Manila.

Thank you for your presence in this important event, the ASEAN Workshop on Election Observation, the first ASEAN workshop to focus on poll observation in the region and the basic issues surrounding a crucial component of our democratic processes.

Allow me to also thank the Republic of Korea for supporting this ASEAN activity, the Commission on Elections for leading the preparations and implementation of this workshop and IDEA for lending its invaluable support in holding this activity.

I am pleased to note that this year marks the beginning of the ASEAN region's integration. It is also an opportune time to come together as member states to learn about and share experiences in upholding democratic ideals and improving governance by focusing on election observation.

The ASEAN Charter provides for adherence to the principles of democracy. This workshop is a testament of our commitment to uphold and implement the principles and goals enshrined in our Charter.

The other basic ASEAN document that I wish to refer to is the ASEAN Political Security Community Blueprint or the APSC Blueprint, which sets out the goals and activities to be implemented and establishes the APSC by this year. It is important that we are aware of these goals that underpin activities to pursue the creation of the ASEAN community.

It is in this spirit of regional cooperation and support for ASEAN's higher goals that the Philippines had planned to lead this workshop.

The holding of this workshop is a manifestation that democratic principles have indeed taken root in ASEAN and that we are moving towards the same direction as other regional organizations like the Organization of American States, European Union, African Union, and the Organization for Security and Cooperation in Europe, even as we develop our own unique perspective, approaches, and solutions.

2016 marks the 30th Anniversary of the restoration of Philippine democracy. Participation of international observers in every Philippine Presidential election since its restoration has contributed towards the strengthening of our democratic processes by providing an additional measure of credibility and transparency to our electoral exercises.

At this juncture, I would like to share with you another Philippine experience, with international dimension, that is aimed at strengthening our democracy but is not related to election observation. Overseas voting.

People empowerment is one the pillars of our restored democracy. And as you might be aware, there are over ten million Filipinos overseas that contribute to our people's economic empowerment through hard currency remittances equivalent to about twelve percent of Philippine GDP. Overseas voting politically empowers the overseas Filipino and our electoral processes by providing the mechanism to enfranchise a constituency that is ten percent of our population or equivalent to twenty percent of locally registered voters.

As we in the Philippines are about to embark on national elections less than a year from now, we deemed it necessary to organize this workshop in order to share with ASEAN and our friends, our experiences, and learn from like-minded regional institutions like you. We intend to learn from one another how to strengthen our electoral processes by learning more about elections observation, thereby helping in the development of democracy and democratic ideals in the region.

Increasing transparency is one good outcome that may be expected from holding effective elections observations. Corollary to increasing transparency is the improvement of governance and accountability of institutions, which we all aim for in ASEAN. When we achieve these goals, we would not only raise our profile as a regional organization, but contribute to building a regional climate that is conducive to attracting business in the region and furthering our economic integration.

I will leave you with these lofty ASEAN goals in mind and I wish you a successful and productive workshop!

IV. CLOSING REMARKS BY DR A. K. P. MOCHTAN, DEPUTY SECRETARY-GENERAL OF ASEAN, ON THE OCCASION OF THE ASEAN WORKSHOP ON ELECTION OBSERVATION, MANILA, PHILIPPINES, 24 – 25 JUNE 2015

Hon. Rafael E. Seguis,

Hon. Juan Andres D. Bautista,

Hon. Luie Tito F. Guia,

Hon. Hadar N. Gumay

Ambassador Elizabeth Buensuceso,

Esteemed Colleagues,

Ladies and Gentleman,

It is a great pleasure for me to join you at this workshop. Elections Observation is certainly an important topic, and for this reason, it is included in the action-line of the ASEAN Political-Security Community (APSC) Blueprint.

We have rich, insightful discussions over the past two days. There are many practical lessons as well as inspiring ideas to bring home and reflect upon. For this, I would like to express my sincere thanks to the Philippine Department of Foreign Affairs, the Philippine Commission on Elections, and the International IDEA for the initiative to organize this Workshop and bring together experts and practitioners from various parts of the world to share their experiences with representatives from the ASEAN Member States.

This topic is particularly relevant in the context of an integrated ASEAN, as we set to launch the ASEAN Community at the end of this year. One of the reasons for this is the increasing attention, and because of this, the huge expectations that ASEAN now receives. Those who work directly on ASEAN affairs can see that ASEAN has made big strides since its inception 48 years or almost half a century ago. Many, however, still focuses on what ASEAN has not achieved, preferring to see that the glass is half-empty instead of half-full.

To mention a few, this includes such topics as good governance, democratization, and human rights. Please rest assured that ASEAN accords high priorities and remain committed to promote these values in the region. This Workshop is an implementation of the action lines under the APSC Blueprint, and by this month, we have completed 130 out of 144 action lines, or nearly 90% accomplishment. To further affirm our commitment, the promotion of good governance, democracy and human rights are enshrined in the ASEAN Charter.

Ladies & Gentlemen:

One of the features of ASEAN is the vast diversity among the Member States. This includes in the political systems. Thus, we have various experiences and practices when it comes to general elections.

From the presentations and discussions, I am much encouraged to see that a number of the ASEAN Member States have long, proud history in managing elections. As mentioned by COMELEC Chair Hon. Bautista, the Commission on Elections of the Philippines is celebrating its 75th anniversary this year.

Next year, the Philippines' history will turn a new chapter with the 16th presidential election, and we firmly believe that it will be another free, fair, and transparent election.

I also note that we are capable of organizing complex, huge elections such as the one done by the Indonesian Commission on Elections last year. The professionalism and integrity of the Commissioners and the Team are critical for the success of the elections especially considering the dynamics of the domestic politics in such country

like Indonesia where the trend toward populist democracy is getting stronger by each day.

The challenge before us is to have the confidence and trust on the benefits of having election observers and for ASEAN to develop the framework and build capacity and readiness to mount elections observation missions.

We have some tentative steps toward that direction. Over the past three years, since 2012, the ASEAN Member States and the ASEAN Secretariat were invited to observe elections in Myanmar, Cambodia and Malaysia. This may be limited and new experiences for us, but they have been immensely instrumental to our learning curve on this subject matter.

We have learned from the best practices of the African Union, the European Union and the Organization of American States. These organisations have institutionalised election observation and set up dedicated unit within their organisations to oversee the electoral process of their respective Member States. Such capacity may take time to develop, but they serve as a worthy idea that ASEAN can consider as we traverse to the future.

Looking ahead, ASEAN should continue sharing experiences and strengthening the networks of Election Management Bodies in the region. One low hanging fruit that may be targeted immediately may include putting together a publication on the ASEAN Member States' experiences.

Furthermore, since ASEAN is currently working on its Vision 2025, I also wish to encourage the Election Management Bodies to communicate and consult with the respective High Level Task Force on the ASEAN Vision, so election observation, may be expressed, more boldly in the ASEAN political cooperation agenda.

In all these, I perceive that partnership with and support from ASEAN Dialogue Partners as well as with relevant international organizations and institutions including the civil societies will be important to enrich our journey ahead.

I would be amiss if I don't mention our heartfelt appreciations to the Government of the Republic of Korea for the support to the present workshop. I would also like to call upon other ASEAN Dialogue Partners, including EU, to continue supporting us in the next initiatives and upcoming endeavours.

Let me close my remarks, by once again applauding the Government of the Republic of the Philippines, for the initiative and leadership in championing this important subject matter, and, also expressing deep gratitude to our friends and generous hosts for the impeccable and creative arrangements of the meetings, for the sumptuous dinner, and the wonderful songs and dances of the Philippines.

I wish you all a safe, pleasant journey home, and a happy reunion with the loved ones.

Thank you.

**V. VOTE OF THANKS BY AMBASSADOR ELIZABETH P. BUENSUCESO,
PERMANENT REPRESENTATIVE OF THE PHILIPPINES TO ASEAN, ON THE
OCCASION OF THE ASEAN WORKSHOP ON ELECTION OBSERVATION,
MANILA, PHILIPPINES, 24 – 25 JUNE 2015**

The Honorable Andres Bautista, Chairman of the Philippine Elections Commission

Distinguished Heads of Delegations,

H.E. Dr A.K.P. Mochtan, DSG of ASEAN,

Officials of IDEA, the Department of Foreign Affairs,

Participants from regional organizations,

Honored participants, ladies and gentlemen

I have the happy task and privilege of acknowledging the groups and individuals who have made the conduct of this ASEAN Workshop on Elections Observation a success.

When the idea of such a Workshop was first broached to me by the International IDEA early last year, I was both excited and apprehensive.

Excited because the very nature of the workshop, subject is indeed an important component of the ASEAN Political and Security Blueprint which states that ASEAN shall promote political development in adherence to the principles of democracy, the rule of law and good governance, respect for and promotion and protection of human rights and fundamental freedoms as inscribed in the ASEAN Charter. It shall be a means by which ASEAN Member States can pursue closer interaction and cooperation to forge shared norms and create common mechanisms to achieve ASEAN's goals and objectives in the political and security fields. At the same time, I was a bit apprehensive that it may not be feasible to hold it because of the different political systems prevailing in ASEAN Member States. But the concept paper assured me that this was doable and that member states would welcome the invitation to participate in it.

And so therefore I embarked on the task of looking for Dialogue Partners willing to partner with is in this endeavor and to tell you the truth, I was surprised that Korea readily took on the challenge. Yes, they were willing to fund it and no, they did not need another partner in sharing the costs. I said surprised because although I was aware that good governance and democratic ideals were among the cherished principles Korea stands for, In my ignorance I did not expect them to accord this matter such a high priority.

Now I know why, having learned in this workshop that Korea blazed the trail, so to speak, in the area of elections observations. So, my thanks goes to the Korean Government, particularly the Mission of Korea to ASEAN, who have invested in the conduct of this workshop.

I thank the International IDEA for their initiative and their relentless perseverance to realize the goal of supporting the development of democratic systems and processes in ASEAN, through this Workshop. The preparations leading to this workshop, the structuring of the program format and its actual conduct, are all worthy of our appreciation. Thank you Pak Adhy, for your patience and your skillful chairmanship of the various sessions.

Let me also express our deep appreciation to the Election Commission of the Philippines for happily accepting the responsibility to be the Department of Foreign Affairs' sectoral partner in implementing this advocacy. As a highly respected and credible election body, COMELEC was in the best position to implement this APSC commitment of the Philippines. We also learned a lot from the discussions and speeches of their Chairman, Mr Andres Bautista, and the other Commissioners who led us in the sessions these past two days.

Please extend our thanks to your staff who not only did a splendid job in the logistical and administrative arrangements but entertained us as well last night with their superb singing.

Let me also thank the other speakers and experts who have shared with us their actual experiences, best practices, and lessons learned on election observations. I thank the ASEAN Secretariat, represented here by H.E. Dr A.K.P. Mochtan for patiently guiding us in the molding and the improvement of the Concept paper to conform to ASEAN principles and ideals and to fit the requirements of project appraisal and approval.

Last but not the least, I would like to express my deep gratitude to the Philippine Department of Foreign Affairs Office of ASEAN Affairs, my Mother Unit and support group, headed by Asst. Secretary Luis Cruz, which has been the fulcrum of all the preparations and the actual conduct of this Workshop. Despite the administrative and bureaucratic challenges of hosting such a multilateral effort, their long experience in hosting international conferences and their dedication to the implementation of action lines in all three ASEAN Community pillars prevailed.

I told you earlier that this Workshop was an important learning experience for me. I hope that like me, you have appreciated even more the benefits of welcoming the presence of election observers in our very important political processes and honed even more sharply our ability to achieve a beautiful balance between having a friendly, transparent and efficient cooperation with EOMs and at the same time still maintain respect for the sovereignty of our respective countries.

As the Philippine Ambassador to ASEAN, I would like to express my continued support and advocacy for initiatives and projects that will advance the rule of law and development of democratic ideals. My government has instructed me to pursue these goals, along with many of our other advocacies, The ASEAN Committee of Permanent Representatives or CPR to which I belong has the mandate to monitor and ensure the implementation of measures envisioned to translate into action the vision of the three community pillars. I assure you that we will not lack for support on this advocacy within ASEAN and among its external partners. And if I may, I would like to suggest that you find ways to continue your networking with each other. In this workshop, I noticed that even the experts and seasoned election observation bodies have learned from each other best practices on specific situations, issues and challenges facing election management bodies. There is much to learn from each other's experiences and practices.

I would like to encourage you to come up with similar initiatives, particularly in capacity building activities to help member states develop their capability to work smoothly and efficiently with election observation groups and individuals as well as other aspects of the electoral processes. I can assure you that many of our DPs such as ROK, the EU, the US, Japan, Canada and Australia and NZ who will, be happy to partner with us in this undertaking.

During the coffee break, I learned for example that a very good follow up project is to organize a workshop on mainstreaming or enhancing the participation of women in electoral processes. I will be happy to work with you on this very good proposal. The first step in doing this is to prepare a concept paper on the proposed initiative using the template provided by the ASEAN Secretariat. You may request the Secretariat to help you fine tune the project proposal until it is ready for submission to the endorsing body, in this case, the SOM after approval by the SOM, the proposal is then sent to us, the CPR, for funding approval.

Thank you and I hope you all have a safe and pleasant journey back to your homes.

VI. WORKSHOP AGENDA

AGENDA
The ASEAN Workshop on Election Observation,
The Peninsula Hotel, Manila, The Philippines, 24-25 June 2015
Wednesday, 24 June 2015 (Day 1)

TIME	SESSION	TOPIC	SPEAKER/ FACILITATOR	VENUE
08.00 – 08.45	Registration	All delegates to register themselves.	Organising Committee	The Conservatory, 2 nd Floor, The Peninsula Manila
09.00 – 09.30	Opening	1. Welcoming Remarks by Chairman of the Commission on Elections of the Philippines (COMELEC)	Hon. Juan Andres D. Bautista	The Conservatory, 2 nd Floor, The Peninsula Manila
		2. Remarks by Interim Regional Director for Asia and the Pacific, International Institute for Democracy and Electoral Assistance (IDEA)	Mr Andrew Ellis	
		3. Opening Remarks by Undersecretary, Office of the Undersecretary for Civilian Security and Consular Concerns (OUCSCC) and Chairman for Overseas Absentee Voting Secretary (OAVS), Department of Foreign Affairs	Hon. Rafael E. Seguis	
		Photo Opportunity for the Press	Organising Committee	<i>NOTE: After the photo opportunity, members of the press will be ushered to the press briefing venue.</i>
09.30 – 10.30	Panel I – Why Observe Elections? Moderated by Mr Adhy Aman Senior Programme Officer, International IDEA	1. Rationale behind election observation	Mr Andrew Ellis Interim Regional Director for Asia and the Pacific, International IDEA	The Conservatory, 2 nd Floor, The Peninsula Manila <i>NOTE: Andrew will leave for the press briefing after presentation.</i>
		2. Different kinds of Election Observation	Ms Su-Yeon Kim Director of the International Cooperation Division, National Election Commission of the Republic of Korea (NEC)	
10.30 – 10.45	Morning Break		Organising Committee	Refreshments served at The Conservatory, 2 nd Floor, The Peninsula Manila

10.45 – 11.30	Panel I – Why Observe Elections?	3. International Principles of Election Observation	Hon. Luie F. Guia Commissioner, COMELEC	The Conservatory, 2 nd Floor, The Peninsula Manila
	Moderated by Mr. Adhy Aman Senior Programme Officer, International IDEA	4. Election Observation and the Media	Mr Andreas List EU Senior Coordinator for ASEAN, European Union Delegation in Jakarta	
11.30 – 12.30		5. Discussion	Mr. Adhy Aman Senior Programme Officer, International IDEA as Moderator	
12.30 – 13.30	Lunch		Organising Committee	Venue: The Gallery, 3 rd Floor, The Peninsula Manila
13.30 – 14.25	Breakaway sessions – Experiences of Regional Organizations (1 st Round)	Group 1 – African Union	Ms Shumbana Amani Karume Head of Democracy and Electoral Assistance Unit, African Union (AU)	Recto, 2 nd Floor, The Peninsula Manila
		Group 2 – European Union	Mr Gilles Saphy Project Director, European Union’s Election Observation and Democratic Support (EODS) Project and Mr Mark Stevens Election Expert and Former Head of the Commonwealth Secretariat’s Democracy Section	The Conservatory, 2 nd Floor, The Peninsula Manila
		Group 3 – Organization of American States	Ms Rosa Serpa Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS)	P.L. Lim, 2 nd Floor, The Peninsula Manila

14.30 – 15.25	Breakaway sessions – Different Methodologies for Observing Elections (2 nd Round)	As per above	As per above	As per above
15.25 – 15.45	Afternoon Break		Organising Committee	Refreshments served at The Conservatory, 2 nd Floor, The Peninsula Manila
15.45 – 16.35	Breakaway sessions – Different Methodologies for Observing Elections (3 rd Round)	As per above	As per above	As per above
16.40 – 17.00	Plenary Session	Day 1 Recap and Feedback	Mr Adhy Aman Senior Programme Officer, International IDEA	The Conservatory, 2 nd Floor, The Peninsula Manila
19.00 – 21.00	Official Dinner		Hosted by the Department of Foreign Affairs of the Philippines, the Commission on Elections of the Philippines and International IDEA	The Ballroom, Lobby Level, The Peninsula Manila

Thursday, 25 June 2015 (Day 2)

TIME	EVENT	TOPIC	SPEAKER/ FACILITATOR	VENUE
09.00 – 10.30	Panel II – Relationship between Election Management Bodies and Observers	1. The Role of Election Observers in an Election	Mr Andrew Ellis Interim Regional Director for Asia and the Pacific, International IDEA	The Conservatory, 2 nd Floor, The Peninsula Manila
	Moderated by Mr James Arthur B. Jimenez Director for Education and Information Department, COMELEC	2. How Election Management Bodies can benefit from Election Observation	Commissioner Hadar N. Gumay, General Elections Commission of Indonesia (KPU)	

		3. Discussion	Mr James Arthur B. Jimenez Director for Education and Information Department, COMELEC as Moderator	The Conservatory, 2 nd Floor, The Peninsula Manila
10.30 – 10.45	Morning Break		Organising Committee	Refreshments served at The Conservatory, 2 nd Floor, The Peninsula Manila
10.45 – 12.15	Panel III – Election Observation Reports and Recommendations Moderated by Mr Adhy Aman Senior Programme Officer, International IDEA	1. What Election Observation mean to Regional Organisations	Ms Rosa Serpa Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS)	The Conservatory, 2 nd Floor, The Peninsula Manila
		2. Election Observer Recommendations and the Post Electoral Period	Mr Mark Stevens Election Expert and Former Head of the Commonwealth Secretariat's Democracy Section	
		3. Discussion	Mr Adhy Aman Senior Programme Officer, International IDEA as Moderator	
12.15 – 13.15	Lunch		Organising Committee	The Gallery, 3 rd Floor, The Peninsula Manila
13.30 – 14.25	Breakaway sessions – Different Methodologies for Observing Elections (1 st Round)	Group 1 – Observation of Access to Elections	Mr Mochammad Afifuddin Program Manager, AGENDA – General Election Network for Disability Access	The Conservatory, 2 nd Floor, The Peninsula Manila
		Group 2 – Observing Campaign Finance	Ms Rosa Serpa Specialist, Department on Electoral Cooperation and Observation, Organization of American States (OAS)	Recto, 2 nd Floor, The Peninsula Manila

		Group 3 – Observing Women’s Participation in Elections	Mr Gilles Saphy Project Director, European Union’s Election Observation and Democratic Support (EODS) Project	P.L. Lim, 2 nd Floor, The Peninsula Manila
14.30 – 15.25	Breakaway sessions – Experiences of Regional Organizations (2 nd Round)	As per above	As per above	As per above
15.25 – 15.45	Afternoon Break		Organising Committee	Refreshments served at The Conservatory, 2 nd Floor, The Peninsula Manila
15.45 – 16.35	Breakaway sessions – Experiences of Regional Organizations (3 rd Round)	As per above	As per above	As per above
16.40 – 17.00	Plenary Session	Day 2 Recap and Evaluation	Mr Adhy Aman Senior Programme Officer, International IDEA	The Moderator will sum up Day 2 and participants will be asked to fill out the evaluation form.
17.00 – 17.30	Workshop Closing	1. Closing Remarks by the Deputy Secretary-General Community and Corporate Affairs – ASEAN	H.E. Dr A. K. P Mochtan	
		2. Vote of Thanks on behalf of the Department of Foreign Affairs of the Philippines, the Commission on Elections of the Philippines, and International IDEA	H.E. Elizabeth P. Buensuceso Permanent Representative of the Republic of the Philippines to ASEAN	

Jointly organised by



VII. LIST OF PARTICIPANTS

NAMES	COUNTRY/ ORGANIZATION
1. Hj Khairur Rizal Hj Abd Majid	Brunei Darussalam
2. H.E. Em Sophath	Cambodia
3. H.E. Hang Puthea	Cambodia
4. Prof. Dr. Muhammad Muchdar Ahmad	Indonesia
5. Ms Dina Eka Winarni S. Sos	Indonesia
6. Mr Nasrullah, SH	Indonesia
7. Ms Fenny F. Maharani	Indonesia
8. Soubanh Savabanth	Lao PDR
9. Xaignasinh Phommachanh	Lao PDR
10. Amphray Chimanonh	Lao PDR
11. Viengthavisone Thephachanch	Lao PDR
12. Hon. Tuan Hji. Sulaiman bin Narawi	Malaysia
13. Ms Alvernia Peter	Malaysia
14. Mr Mohd Riza bin Mohmed Zubri	Malaysia
15. Mr Mohd Faiz Syazwan bin Zainal Abidin	Malaysia
16. Dr Sai San Win	Myanmar
17. Ms Ciin Do Niang	Myanmar
18. Ms Nu Nu Yi	Myanmar
19. Mr Hau Khan Sum	Myanmar
20. Ms Zin Mar Thein	Myanmar
21. H.E. Elizabeth Buensuceso	Philippines
22. Hon. Ma. Rowena Amelia P. Guanzon	Philippines
23. Dir. Esmeralda Amora-Ladra	Philippines
24. Vanessa G. Bago-Llona	Philippines
25. Dir. James Arthur B. Jimenez	Philippines
26. Ms Rachel Chan See Won	Singapore
27. Mr Anucha Chansuriya	Thailand
28. Ms Patchara Katkul	Thailand
29. Mr Kongyos Boonrak	Thailand
30. Mr Nguyen Nam Duong, DDG	Viet Nam
31. Mr Ngo Tuan Anh	Viet Nam
32. Ms Nguyen Phuong Hien	Viet Nam
33. Ms Ivana Agustin	ASEAN Secretariat

VIII. REFERENCES AND ADDITIONAL READINGS

- ASEAN Political Security Community Blueprint <<http://www.asean.org/archive/5187-18.pdf>>
- ASEAN Charter <<http://www.asean.org/archive/publications/ASEAN-Charter.pdf>>
- ASEAN Human Rights Declaration (ADHR) <<http://www.asean.org/news/asean-statement-communiques/item/asean-human-rights-declaration>>
- African Union Guidelines on Election Observation and Monitoring Mission <<http://www.achpr.org/instruments/guide-elections/>>
- African Charter on Democracy, Elections and Governance <<http://www.au.int/en/content/african-charter-democracy-elections-and-governance>>
- Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community <http://www.asean.org/archive/documents/19th_summit/Bali_Declaration_on_Disabled_Person.pdf>
- BRIDGE: A Course on Electoral Processes <<http://www.bridge-project.org/>>
- BRIDGE: Facilitators Accreditation Programme <<http://www.bridge-project.org/en/facilitator.html>>
- Bangkok Declaration on Free and Fair Elections 2012 <<http://anfrel.org/wp-content/uploads/2013/04/The-Bangkok-Declaration-on-Free-and-Fair-Elections-Its-Endorsers-.pdf>>
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) <<http://www.un.org/womenwatch/daw/cedaw/>>
- Convention on the Rights of Persons with Disabilities <<http://www.un.org/esa/socdev/enable/rights/convtexte.htm>>
- Convention against Corruption <<https://www.unodc.org/unodc/en/treaties/CAC/>>
- Convention on the Rights of Persons with Disabilities (CRPD) <<http://www.un.org/disabilities/convention/conventionfull.shtml>>
- Declaration on the Rights of Indigenous Peoples <<http://www.ohchr.org/Documents/Issues/IPeoples/UNDRIPManualForNHRI.pdf>>
- Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers 2005 (DOP) <http://www.idea.int/resources/analysis/observation_coc.cfm>
- Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations 2012 <<http://www.gndem.org/declaration-of-global-principles>>
- Election Unit of Political Affairs <<http://pa.au.int/>>
- EU Election Assistance and Observation <http://eeas.europa.eu/eueom/index_en.htm>
- Elections Assistance and Observations (191/2000) <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV:r10105>>
- EU Election Observation and Democratic Support (EODS) <<http://www.eods.eu/>>

EU Council Regulations (975/99 and 976/99) <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52000DC0191>>

Global Commission on Democracy, Elections and Security <<http://www.idea.int/elections/global-commission-2012/>>

Global Network of Domestic Election Monitors (GENDEM) <<http://www.gndem.org/>>

Guidelines on Promoting Electoral Rights of Persons with Disabilities (PERIOD) <<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>>

Handbook for European Union Election Observation <http://eeas.europa.eu/eucom/pdf/handbook-eucom-en-2nd-edition_en.pdf>

International Obligations for Elections: The New IDEA Guidelines <<http://www.idea.int/publications/international-obligations-for-elections/>>

International Covenant on Civil and Political Rights (ICCPR) <<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>

ICCPR General Comment No. 25 <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11>

Jakarta Declaration on South East Asian Electoral Community <https://sopheaksrey.files.wordpress.com/2012/04/jakarta-declaration-en_kh.pdf>

Organization of American States: Inter-American Democratic Charter <http://www.oas.org/charter/docs/resolution1_en_p4.htm>

Organization of American States: Election Observation Missions <<http://www.oas.org/en/spa/deco/moe.asp>>

Regional Organizations and the Integrity of Electoral Processes <<http://www.idea.int/democracydialog/workshop-on-regional-organizations.cfm>>

The ASEAN Declaration (Bangkok Declaration) <<http://www.asean.org/news/item/the-asean-declaration-bangkok-declaration>>

Universal Declaration of Human Rights (UDHR) <<http://www.un.org/en/documents/udhr/index.shtml>>

Women in Parliament <<http://www.ipu.org/wmn-e/classif.htm>>

IX. LIST OF RESOURCE PERSONS

Mr Andreas List, EU Senior Coordinator, ASEAN-EU Delegation Jakarta

Mr Andrew Ellis, Interim Regional Director for Asia Pacific Region, International IDEA

Ms Erni Andriani, Program Manager, IFES Indonesia

Mr Gilles Saphy, Head – Election Observation and Democracy Support Project (EODS), EU

Commissioner Hadar N. Gumay, General Elections Commission of Indonesia (KPU)

Commissioner Luie F. Guia, Commission on Elections (COMELEC), the Philippines

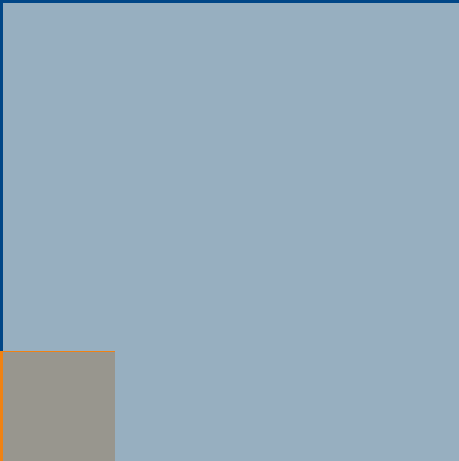
Mr Mark Stevens, Election Expert and Former Head of the Commonwealth Secretariat's Democracy Section

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