

Towards Elections with Integrity

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The EU's High-Level Conference on the Future of Election Observation is an opportunity for the EU to sharpen a key foreign policy tool to support democracy and equip its observations mission better to expose new forms of electoral manipulation.

Since the 1990s, election observation has become a key tool of the international community to support democracy and assess the legitimacy of governments. International election observation has become better resourced and more professional in recent years. Observers receive better pre-deployment training and briefings, funding is more easily available, and methodologies have become more sophisticated. Yet as the election observation industry has become more professional, democracy is in decline.

Holding an election does not in itself ensure progress toward democracy, and neither do election observation missions (EOMs) – even if international actors invest heavily in them. Yet observation missions remain a highly visible tool of the European Union's (EU) external action, which have helped alter the incentives and practices of cheating, and raised the costs of doing so. For many incumbents, however, it is worth the effort and cost of organizing a 'good enough' election while devising ever smarter ways to dupe international observers. As a result, only a small proportion of elections globally deliver political change.

The EU can and needs to become more strategic both as a donor and as provider of election observation. We propose six areas of reform¹:

1. **From election observation to political process observation.** Rigging happens years before voting day. A shift in both operations and mind-set towards longer political processes is needed.
2. **A new division of labour between international and domestic observers.** International observers are ill placed to observe what happens in between electoral cycles. Local observers can be used more widely and more smartly, ensuring that their breadth and scope of knowledge is put at the service of election integrity.
3. **Tap into local intelligence.** Relying on local actors requires a resilient civil society. Continued and especially more flexible funding, as well as protection and public support is needed to restore the eroded trust between local civil society and the international community.
4. **A new focus on interference in elections online.** Boosting EOM guidelines on media to include methodologies for monitoring social media and targeting of voters, as well as enforcement of 'offline' rules on advertising and party spending online.
5. **Tackling the technology.** The EU has the collective power to set standards and good practices for the deployment of electoral technology, and create guidelines for these to be more closely monitored by EOMs and expert missions.
6. **Enter the politics.** EOM deployment is a decision, which third countries accrue political benefits from. More rigorous minimum standards for deployment and much



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¹ Recommendations are based on a two-day workshop in Brussels on September 17-18, 2018 convened by the Open Society European Policy Institute (OSEPI) with international observer bodies, EU institutions, academia, the private sector and civil society from all regions the Open Society Foundations operates in.

stronger follow-up on EOM recommendations are needed for the EU to remain a credible protector and promotor of democracies around the world.

1. From Election Observation to Political Process Observation

EU election observation has traditionally focused on technical processes around election day, and successfully deterred rigging tactics like ballot-box stuffing in certain places. Today, rigging happens through longer-term and less visible processes long before elections are held - when voter rolls are established, when electoral laws are drafted, when candidates are chosen, when electoral boundaries are (re)drawn, and when materials are procured. This requires EOMs both to start their work earlier, and to develop deeper and more genuine collaboration with local partners in those areas of the political process they are ill placed to observe themselves.

Early deployment should be prioritized in two critical areas: to gain insight into the quality of voter rolls and to monitor voter registration. Expert missions should be deployed during voter registration drives to assess the procedures employed, assisted by domestic observers. Observers should aim to issue authoritative statements on the transparency and inclusivity of voters' data – well before voting day.

Criticism of elections and the processes surrounding them should not be reserved for the final report, which tends to fall by the wayside compared to preliminary statements which capture media and public attention. Stronger statements from EOMs in the crucial pre-electoral period would help deter rigging, when third countries are most receptive to the international community.

The EU should also take a more active role in election follow-up and in monitoring whether recommendations are implemented, in line with recommendations from a recent [EU Court of Auditors report](#) on the performance of EU EOMs. Creating stronger incentives for reform for third countries requires a closer collaboration between the European Parliament, the European External Action Service, and especially EU Delegations. This should be done with the close involvement of domestic civil society groups, which will need to be properly equipped to undertake the task.

2. A New Division of Labour between International and Domestic Observers

International observers are not in competition, but complement the work of domestic observers. If most of the rigging happens well before elections, international observers are not best placed to observe what happens in between electoral processes. Local observers should be engaged more widely and more smartly, ensuring that their breadth and scope of knowledge is put at the service of election integrity. One option might be for domestic teams to focus on polling stations, while international observers are active in areas where they can

add value, such as monitoring the work of election management bodies and government institutions involved in the electoral process.

The cost effectiveness of international and domestic missions should be reassessed in a comparative framework, which might entail adjusting the size, duration and modalities of international missions. This could be integrated into a more comprehensive assessment of the EU's electoral assistance, to strike a better balance between financial and technical support for the increasingly costly organization of elections (e.g. through the use of expensive election technologies), and support for a more diverse and robust set of domestic civic groups. A first priority would be for the EU to ensure that domestic and international election observers are not forced to compete for funding. Specifically, in the OSCE region, the EU should discourage OSCE field offices to compete for the discretionary funds disbursed by EU member states' embassies on the ground, which ought to be reserved for local actors. A specialized support program should be launched for citizen observers in the OSCE region through a well-mandated intermediary organization such as the European Endowment for Democracy (EED).

3. Tapping into Local Knowledge

The EU can make a difference on the ground if: a) EOMs consult a variety of civil society organizations, not just established groups in the national capital; b) EU Delegations consistently fund citizen observers - something that is currently at the discretion of each Delegation – and; c) it ensures that more funding is available for technical assistance to citizen observers. This entails several strands: the EU's funding offer (currently through the European Instrument for Democracy and Human Rights, EIDHR) should be made more flexible, for example by allowing applications from unregistered organizations, and less project-based. It should also reflect the electoral cycle and become more long-term, beyond two years.

Still on the funding side, in the context of a global decline in support for democracy, the EU should think of ways to make up for the receding US commitment. Governance support from the US has shrunk considerably, and the EU has lost a partner in the promotion of a normative agenda globally. Current EU funding offers are not structured to provide the type of support required particularly since it works mostly to support institutional and large capacity partners and only marginally, to respond flexibly to civil society needs.

However, relying on local sources goes beyond funding. Civil society – especially those groups working on sensitive areas as elections and the accountability of public institutions – is under unprecedented pressure through closing space for their work worldwide. Enhanced protection measures and political solidarity through public statements are needed to restore the eroded trust between civil society and the EU felt in recent years.

4. A New Social Media Ecosystem

The growing importance of social media for political campaigning has given rise to sophisticated disinformation campaigns and manipulation of voters. Yet the online sphere remains the weakest link in election observation. The largely unregulated nature of web platforms such as Facebook, Google and Twitter has made it possible to target voters with dubious political advertising whose financing is easily obscured. Outright falsehoods are being spread without accountability or transparency, and practices that are outlawed offline are not prosecuted when they take place online. Electoral Commissions and domestic civil societies often lack the will or capacity to monitor online campaigning, despite its increasingly leading role in elections.

To address this problem, the EU needs to begin by enforcing online the electoral rules that apply offline, particularly on transparency of advertising and transparency and limits on campaign spending. It should work with and encourage tech companies to mitigate the influence of state and non-state actors that abuse the system, among others by limiting the impact of the automated spread of disinformation through bots and trolls and flagging false content. Some steps in this direction are already being taken and should become part of missions' monitoring remit.

Frameworks for monitoring on the whole are in need of being updated, especially the sections on media monitoring. EOMs should track social media, not just traditional media. To that end, the EU should build capacity and awareness among election observers and domestic civil society in general. It should develop standard methodologies for monitoring social media and targeting of voters, as well as counter online manipulation offline, by supporting general media literacy (including amongst legislators) and voter education.

5. Tackling the technology

The use of new voting technologies throughout all stages of the electoral process poses an acute challenge for election observers who often lack the capacity, expertise or access to adequately observe the procurement, management and operation of these technologies. This opens up new avenues for manipulation as power shifts to those in control of the technology, for example in the use of voting machines that do not produce a paper record and hence make a recount impossible.

The EU as a donor should support the deployment of new voting technology only in cases where there is an organized, well-equipped and independent election commission as well as domestic demand for tech solutions. As the use of technology may exacerbate lack of trust, there needs to be societal and political clarity about what specific problems technology is supposed to address. Since technology is often expensive and procurement highly technical, it offers numerous opportunities for rent-seeking. Donors and EOMs should monitor why technology was brought in, how it was procured, what the expectation was, and what standards are being applied. The EU can play a role in developing standards or good practices for the deployment of technology. EOMs should include experts on information technology and new voting technology.

Donors should also ensure that funding for technology does not crowd out funding for civil society and election observation. They should also set aside funds for the training of election officials on the ground.

6. Enter the Politics

Perhaps the greatest challenge for EU election observation to maintain its global relevance is to recalibrate its technical and political mandates. The decision to deploy is political – and hence carries political risk. The decision to tone down or play up EOM accounts is similarly informed by (geo)political considerations – which are not lost on local populations. Observers should be more aware of short-term trade-offs that may be justified in principle but carry a long-term cost in terms of credibility. It may well be that toning down an observer statement reduces tensions in a country, but it will undermine the credibility of election observation in the long run. Observers should be in a position to deny a regime the legitimacy that international observation offers simply by its presence. What is the minimum standard for a ‘No’ decision on whether to dispatch a mission?

The EU decision whether to deploy a mission when the overall conditions are not right should be subject to more rigorous procedures and independent considerations. Beyond the technical and legalistic elements EU EOMs already consider, standards on civic space and hostile environment, electoral administration, and funding should be developed to capture some of the dimensions that contribute to the integrity or otherwise of elections. This requires a deeper collaboration between the diplomatic, development and technical engagement of the EU with third countries. Making the deployment of an EOM contingent on the transparency of voter rolls, without which elections will lack integrity, would be one criterion.

Finally, recommendations by EOMs should be better linked to ongoing political dialogue and development programming with the country in question, to avoid a tick-the-box exercise. Domestic civil society should be more consistently and strategically included in these processes. At present, it is too easy for authoritarian governments to ignore recommendations or merely make cosmetic changes to its electoral infrastructure. The EU should refuse to observe further elections unless previous recommendations have been implemented.