



# The Future of European Electoral Support

Ken Godfrey (ed.), Adina Borcan, Michael Lidauer, Beata Martin-Rozumiłowicz, Xabier Meilán, Teresa Polara, Armin Rabitsch, Domenico Tuccinardi, and Manuel Wally.

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European Democracy Hub  
Rue Froissart 123-133  
B-1040 Brussels  
[info@europeandemocracyhub.epd.eu](mailto:info@europeandemocracyhub.epd.eu)  
<https://europeandemocracyhub.epd.eu/>



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# Introduction

— Ken Godfrey

Elections are the key feature of democratic politics, for better and for worse. As billions of citizens around the world head to the polls in 2024, most attention will be focused on who wins and why. Yet, a rising number of elections around the world are disputed under unfair or increasingly inequitable conditions leading to opposition boycotts, increased polarisation and low government legitimacy. This is a fundamental element of the wider backsliding of democratic governance over at least the last decade.

Since the adoption of European Union guidelines on election assistance and observation in 2000<sup>1</sup>, electoral support has been a cornerstone of European democracy support and a central instrument of EU external policy on account of both its political significance and the financial resources involved. Electoral support encompasses two key elements: election observation (independent information gathering and assessment of the election process) and election assistance (funding and technical support for the conduct of elections).

Today, this support is under pressure due to global geopolitical, technological, and political developments that directly impact the competitive environment of democratic politics and the management of electoral processes. Similar pressure is apparent in a whole swath of policy areas, from human rights to global trade. Given that the EU guidelines on elections were developed almost a quarter of a century ago, there is a need to reflect on how the EU and its member states can adapt their electoral support to meet these pressing challenges.

## New challenges

It is widely agreed that countries are becoming less keen on being observed by outsiders and even by their own citizens or civil society. Observation mission reports are increasingly challenged, as well as the credibility of observers, including through intimidation and physical violence. Gone are the days when the EU would have to choose which of the numerous invitations to observe elections to accept in a given year.

Elections are also increasingly fought online, starting well before the official campaign period, using sophisticated targeting tactics that can be hard to monitor. And there is widespread concern about the use of new forms of artificial intelligence for electoral disinformation.

At the same time, support to electoral authorities does not seem to have delivered the outcomes that had been anticipated, with observation missions frequently encountering the same systemic problems election after election. Electoral technical assistance is clearly hampered by the general

trend towards autocratisation that has impacted many areas of politics such as civic space, media freedom, parliamentary oversight, and political party competition. This points to questions about how well electoral support works within the wider framework of support to democracy and good governance.

An increasing number of incumbent governments are finding that there are fewer repercussions for interfering with and even manipulating electoral management bodies than in the past. And as more governments attempt to influence electoral processes, support to independent institutions is frequently rendered ineffective as a result of systemic challenges that are political in nature rather than technical. This has led to an increasing awareness of the need to work with other actors like civic groups, political parties, and justice officials along with, or apart from, the classic institutional partners.

This set of challenges poses searching questions for the future of European support to electoral processes worldwide. At the same time, the fragility of democracy within Europe suggests that European policy has been too narrowly focused on countries outside the Union. Though this is slowly changing (for example, through the creation of the European Coordination Network on Elections and the recommendation on “Inclusive and resilient electoral processes” in the proposed Defence of Democracy package), it highlights the lack of coherence in the way the EU deals with elections for a range of historical and structural reasons that are beyond the scope of this report.

## Looking back

Democracy is at the core of the EU’s founding values<sup>2</sup> as set out in the Treaty on European Union, while support to democracy is a guiding value of the EU’s “external action”<sup>3</sup>. As a consequence, electoral support has steadily developed into a key component of the EU’s policy toolbox over the last few decades, in parallel with developments at the international level.

A wide range of international, regional, and non-governmental organisations engage in international and citizen election observation. The United Nations Secretary General acknowledged the importance of election observers and their contribution to enhancing the integrity of electoral processes, promoting electoral participation, and mitigating the potential for election-related disturbances in 2005<sup>4</sup>. The EU played an important role alongside others in the development of the Declaration of Principles for International Election Observation, outlining a common methodology and code of conduct for observers.<sup>5</sup> A separate Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations was agreed in 2015, highlighting the increasingly important role of citizen organisations in election observation.<sup>6</sup> The United Nations itself has focused on the provision of electoral assistance and, along with a range of other non-governmental organisations, forms part of a community providing assistance to electoral management bodies across the world.

European electoral support is based on the understanding that observation and assistance should be considered and programmed in a complementary manner as outlined in the guidelines from 2000. While election observation tends to receive the most attention politically because of the importance of election day, the EU’s approach has consistently been to resource both. Although many actors

are involved in the process and important nuances exist in the management of EU support, election observation is coordinated by the European External Action Service while the European Commission takes the lead on election assistance. There is also an informal division of labour between the EU and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR) on election observation, with OSCE/ODIHR dealing with observation within Europe and the OSCE area and the EU sending missions outside that area. On assistance, the Commission services are responsible for programming on the basis of regional mandates. The European Parliament has a Democracy and Election Coordination Group providing input to observation policies and a member of the European Parliament heads each EU election observation mission.

The EU Council Conclusions on Democracy from 2019, agreed to by all EU member states, provide a link between electoral support and wider democracy work.<sup>7</sup> The document also makes a link between the EU's work on democracy internally and the work done outside the Union. Combined with other policy documents such as the Human Rights and Democracy Action Plan, it provides the framework for EU electoral support.

The EU spent over 2.1 billion dollars on electoral support from 2002 to 2022 (the latest year with official OECD DAC figures).<sup>8</sup> There is a noticeable reduction in spending on elections over the last decade and a major decline from the record high of 211.1 million dollars in 2005 to the latest figure of 59.2 million dollars in 2022. The EU has often been criticized for viewing democracy work as being only about elections, but it is clear from the data that this is not the case today, at least financially.

Data from the European Democracy Hub, which re-categorises OECD data to provide greater clarity on democracy spending, shows that the EU spent 216 million dollars from 2014 to 2020 on election observation and just under 468 million dollars over the same period on election assistance. Due to the central role the EU institutions play in election observation, spending by European governments (EU member states, Norway, Switzerland and the UK) on observation was much lower in the same seven-year period – checking in at 68.8 million dollars. On the other hand, election assistance spending was much higher with the same governments spending 532.3 million dollars between 2014 and 2020.

The total figures therefore indicate that European states and institutions spend almost three and a half times more on election assistance than on observation. This is to be somewhat expected given that organising an election is a far more expensive endeavour than observing one, but it stands in stark contrast to the higher level of visibility and attention that is given to observation. This data suggests the need for more analysis and policy discussions devoted to election assistance. It also suggests that, while election observation is expensive, it packs a significant punch in terms of visibility for the EU. In any case, the amounts are significant and underline how important both election observation and assistance are for EU support to democracy worldwide.

The EU can point to many cases where its observation and assistance played an important role in improving the electoral process or contributed to help prevent the use of elections for autocratisation such as in East Timor, Ethiopia, Guatemala, Honduras, Lebanon, the Maldives, and Zambia to name

a few examples. One may quibble over the exact to which this is attributable to the EU's contribution, but it is undeniable that the influence has been positive for democracy. It is also undeniable that electoral support provides an extremely visible example of European support to citizen aspirations for democracy worldwide and therefore serves as a vital soft power tool. Yet, the simple fact remains that despite the resources spent on electoral support, the quality of democracy is not improving in the aggregate.

## Dilemmas

A set of fundamental ironies and dilemmas lie at the heart of European election support as a result of the world-wide trend of democratic backsliding.

First, autocratisation has had diverse impacts on the relevance of election observation for different actors. Backsliding often occurs after an initial (legitimate) electoral victory that allows for the centralisation of power in a new executive administration. Elections are therefore highly significant for the way in which democracy is eroding and of high relevance for pro-democratic forces. But this autocratisation has meant that fewer countries actually want international observation of their elections, often because of the relevance and impact of their findings and the nature of the reforms recommended in their reports. This reduction on the demand side is compounded by the combination of autocratisation with a range of other policy issues (geopolitical competition, ideological disputes, trade wars, and conflict) to make democracy and election observation less relevant to decision-makers in Europe.

Second, elections remain central to both the tactics of anti-democratic and pro-democratic forces. On the one hand, those undermining democracy use elections as a vehicle for political legitimization and as a mechanism for centralising political power. Only a handful of dictatorships do not hold regular elections. On the other hand, democracy supporters rightly see elections as a key process, if not the key process, for turning around democratic backsliding (for example, Brazil, Poland, Thailand, and Turkey). Both sides need elections: electoral management has therefore become a high stakes issue for both those undermining democracy and those defending it.

Third, the objectives of electoral support have become less clear with democratic backsliding. As the number of countries genuinely seeking to improve the accountability and transparency of their electoral process has dwindled, the range of pro-democratic institutional partners has also shrunk. Democracy funding has therefore increasingly been channeled towards regimes with no interest in reform. Often there are justifiable reasons for this, such as trying to improve leverage for reform in other development areas (in the case of election assistance) or preventing electoral violence (in the case of observation), but these are objectives that are not directly linked to strengthening democracy.

Fourth, democratic backsliding in Europe has underscored how European states cannot continue to focus solely on elections outside the continent. Doing so severely undermines the credibility of the EU and its member states when stressing the importance of free and fair elections elsewhere. This has led some partners to ask why they should accept observers at their elections when it is difficult

to observe European elections. A stronger focus on citizens observing their own elections is one way to correct this imbalance and help to “decolonise” electoral support. Yet, in many hybrid regimes, particularly electoral autocracies, international observers are welcomed as a safety umbrella for those very same citizen observers.

EU electoral support will not be able to deal with all of these issues, but updates to the methods and tools are essential if election observation and assistance are to maintain relevance and respond to real-world needs moving forward. It is possible that clear distinctions will need to be made on the objectives of different elements of electoral support and appropriate expectations set for what is realistic at a time of worldwide backsliding on democratic governance.

## Ideas for the future

Our report brings together leading experts to look at different elements of EU electoral support and provide ideas for taking electoral support forward in the next decade. The seven chapters present a range of different views on electoral support looking at election observation and election assistance. The goal of the report is not to argue for any particular set of reforms, but to offer up ideas and empirical evidence to support an update of European electoral support.

Beata Martin-Rozumiłowicz looks at how EU election observation tools can be updated to respond to contemporary challenges.

Michael Lidauer and Armin Rabitsch provide an overview and analysis of international and citizen election observation within Europe.

Xabier Meilan offers ideas for improving the way observation missions monitor how elections are conducted online based on an assessment of recent empirical data.

Domenico Tuccinardi presents new data and reflects on how to continue making progress in following up on the recommendations issued by EU election observation missions.

Teresa Polara looks at what goes right and what goes wrong in EU and EU member states assistance to elections.

Manuel Wally provides an overview of the EU’s approach to election assistance by offering a comparison to the US approach.

Adina Borcan assesses the conditions for direct election assistance through civic actors and through government institutions.

Millions of Europeans will vote in European and national elections in 2024, altering the political make-up of European politics. This collection therefore comes at a moment of change in the European institutions that may herald a new policy approach and a rejig of the institutional structure of the Commission. It provides a moment to think about the role of electoral support in European internal

affairs and in external action. Our report does not contend that radical changes are needed, but argues that a critical update is necessary in order to adapt to contemporary challenges. That update will require a solid long-term strategy rather than project-style interventions that just scratch the surface of the challenges to elections. And any strategy will need to be based on a strong and sustained commitment from EU member states to free and fair elections in Europe and outside.

The EU and its member states have contributed to creating a set of international standards, a wealth of electoral data, and a cadre of professional expertise on elections over the last two decades. If autocratic headwinds continue to gather speed, all of these assets will need to be brought together to protect electoral integrity worldwide. We hope that this report provides some food for thought for that endeavour.

Ken Godfrey is the Executive Director at the European Partnership for Democracy

# EU Election Observation: Future Challenges and Possible Methodological Responses

— Dr Beata Martin-Rozumiłowicz

## Introduction

This contribution examines the main challenges and threats to election observation and how the approach of the EU compares to that of other election observer organisations. In addition, it analyses how the EU can respond to these challenges from both the institutional and political points of view and offers recommendations for further methodological development in response to these challenges.<sup>9</sup>

Worldwide, election observation is facing a series of challenges that have significant bearing on its future development. The decline in the commitment to democracy and human rights as leading principles in many countries, including western democracies, is at the heart of these challenges. As one of the interviewees opined, elections seem to be the first victim.<sup>10</sup> This, coupled with aggressive foreign influence operations (or even hybrid warfare) designed to erode democratic elections, has further complicated the role of election observers. At the same time, there has been a weakening of the commitment to a rules-based system founded on the basic concepts of rule of law, transparency, and accountability.

The advent of new technologies has impacted elections. The rapidly changing scenarios in digital communication, social media platforms, information disorder, cybersecurity, generative artificial intelligence (AI), and money in politics (including corruption and abuse of state resources) have necessitated rapid responses in terms of election observation methodology. These advancements should not, however, come at the expense of a continued commitment to the fundamental principles and standards for democratic elections, the adherence to which remains at the core of election observation.

Election support, both technical assistance and observation, has been central to EU democracy support for nearly three decades. Yet, in this changing environment, the appetite and support for election observation is declining. States are less willing to invite organizations to observe and they increasingly restrict access, the issuance of visas, and accreditations. Intimidation of observers and issues with physical security are on the increase.<sup>11</sup> In addition, observers struggle to keep up with the pace of technological innovations and with new methods of interference in electoral processes.

This article analyses these challenges and how the EU's election observation methodology can be adapted to deal with them. Recommendations are offered on areas for improvement and on how to build greater resilience.

## Context

This section provides an overview of the current state of election observation and discusses elements of the EU's approach. Of the various challenges facing election observation, the experts interviewed stressed democratic backsliding, the decline in international commitment to the principles of democracy and human rights in the international order, and the move to a more transactional approach to geopolitics.<sup>12</sup>

This trend is due to three key elements: a) the desire of some western governments and institutions to engage with countries and regimes they know to be autocratic and with limited interest in implementing international principles (transactionalism); b) a breakdown of respect for these international principles in those very countries initially supporting them (dilution); and c) the abuse of new technologies by bad actors to undermine public trust and confidence in these principles (complexity).

These three elements have combined to make the role of election observers increasingly difficult and problematic. This is because of varied expectations, increased pressure, and wider scope. Transactionalism results in many traditional champions of the principles that underpin election observation now seeing observation as a complicating factor in their engagement with authoritarian regimes vis-à-vis global actors with no such principled limitations, in particular China and Russia. This situation is often instrumentalised by the countries themselves, which increasingly adopt take-it-or-leave-it approaches and have become adept at manipulating the information space.

Diminishing respect for these international principles in those very countries that initially promoted them has reduced public pressure for holding anti-democratic regimes to account. In fact, there has been a marked rise of anti-democratic measures in many countries that had previously supported strong democratic and human rights agendas (including democratic elections as a key human rights component). This has contributed to an information environment rife with anti-West narratives used to dilute the impact of democratic principles under the rhetoric of: "if they can't respect them, how can we be expected to?"

Lastly, the complexity of the environment has made it increasingly difficult to respond to such challenges in real time. The proliferation of information, both credible information and disinformation, creates information disorder in which it is difficult for institutions to manoeuvre. To this extent, the EU's approach, when compared with other election observer organisations, has introduced important new initiatives against disinformation that could be further built upon.

Unlike many other election organisations, EU international observation missions are headed by serving politicians, members of the European Parliament (MEPs), underlining the clear political commitment from the institution to the endeavour. This, however, can result in a degree of variability in those heading missions (Chief Observers) and, in certain instances, some hints of a political agenda, thereby increasing the risks of transactionalism and dilution.

This has been much improved in recent years and efforts have clearly been made to diminish the margin of variability in Chief Observers and the risk of individual political agendas. This is due both

to those leading missions themselves and to clear input from the European Parliament (EP), its secretariat, the European External Action Service (EEAS), and various key leadership positions. They have sought to reflect clarity of methodology and principled findings into the public domain and to reduce potential conflicts of interest as much as possible.

However, the amount of time spent by Chief Observers on the ground remains very limited.<sup>13</sup> As a result, they may not be fully embedded in the observation and therefore lack the authority that longer-term involvement would bring. In these circumstances, it is essential that Chief Observers be guided by clearly enunciated principles as well as by the representative findings of the EOMs and the insights of the core team experts, rather than by impressionistic personal experiences.

The EU election observation methodology is very similar to those of the other organisations that have endorsed the Declaration of Principles for International Election Observation (DoP).<sup>14</sup> International standards and principles are the basis of the EU assessment methodology and the findings are the result of the long-term observation of all critical aspects of the electoral process. The level of training provided to observers through the EU's Election Observation and Democracy Support (EODS) programme was also commented on positively by many interviewed.<sup>15</sup> A number of expert interviewees stated that EU election observation missions are among the best.

That being said, EU election observation differs from that of many organisations is that it has no interim formats and there is scope for further development of both methodology and tools in certain key areas, according to many of those interviewed for this research. Possible institutional and political adjustments are discussed in further detail below.

## Main findings

This section will examine in some detail a number of ways in which the EU could respond better to the above-mentioned challenges. These include aspects of institutional, political, and methodological issues.

### Institutional and political aspects

First, there are only two deployment options currently available to the EU. One is a full-scale Election Observation Mission (EOM) with long-term, systematic observation of both the pre-election process, through core team analysts and long-term observers (LTOs), and election day processes, through the deployment of numerous short-term observers (STOs). Public reports are issued. The other is an Election Expert Mission (EEM) with a limited set of core experts, no LTOs/STOs, and public reporting at the discretion of the EU mission and the host authorities.

Other deployment options used by some organisations are: Limited Election Observation Missions (LEOMs) with LTOs, but no systematic election day observation, and Election Assessment Missions (EAMs) with a larger set of core team experts who focus on long-term issues – public reports are issued in both cases. These formats allow organisations to focus on the long-term aspects of elections either where election day is no longer considered to be problematic or, conversely, where conditions do not yet exist for a meaningful election day process. The EU may wish to consider adopting such modalities in the future.<sup>16</sup>

Whether all reports should be made public as a matter of course is a matter for discussion, but there is no doubt that publication increases the transparency, accountability, and credibility of observation.<sup>17</sup> It could also reduce the risk of transactionalism by decreasing the “degree of manoeuvrability”. Interim reports may also better prepare countries for what is to come in preliminary statements and final reports. Interviewees not only tended to support the publication of reports, but also called for greater clarity and more forthright messages in these reports and the avoidance of what interlocutors called “diplo-speak”.<sup>18</sup> In their estimation, this prevents the primary stakeholders, the voters, from having a clear understanding of the conduct of the process, lowering citizen demands from their politicians and possibly reducing transactionalism.

Secondly, the role of EU delegations in the follow-up process should be enhanced. Interviewees praised the EU methodology for its emphasis on follow-up to recommendations. The EU prioritisation of follow-up goes well beyond the recommendations in final reports. Interviewees highly evaluated the buttressing of recommendations through return visits to deliver the final report, devising a follow-up plan together with the EU delegation, and delineating concrete steps for implementation. Also evaluated highly were the follow-up missions near the halfway point in an electoral cycle. These are all aspects where the interviewees think the EU excels.

Yet, once the follow-up plan is in place, weaknesses in the institutional framework and diminished political commitment create some space for both potential transactionalism and dilution. The institutional/political priority is on getting an election observation mission agreed to, obtaining an invitation from the authorities, an administrative agreement signed and in place, seeing the mission deployed and operational – all the way through to the release of the final report and conclusion of the mission. Then, more often than not, the process is largely forgotten. Follow-up missions often report limited progress in implementing even priority recommendations. This is due, in part, to an overfocus on countries that have no stomach for long-term reform, rather than honing in on those more willing to engage in follow-up and implement EOM recommendations. There is also room for improvement in the public communication of success stories.

Here there are both institutional and political barriers. With regard to the former, while EU delegations are encouraged to support the follow-up plan through concrete future assistance and programming, after an EOM institutional priorities shift to other areas and the momentum is often lost. Sometimes, the elections produce certain rifts and recommendations are sidelined in the hopes of not re-opening these disagreements (transactionalism). Thus, monitoring of implementation often falls to lower-level staff, more programme-oriented than political. While EU delegations are required to report yearly on progress, this is often too easily glossed over and there could be better accountability of the process to avoid dilution.

Some interviewees have suggested that higher level, more structured, and more politically accountable follow-up can help make what is already an EU signature success even more impactful. This would also tend to reduce transactional tendencies. One expert opined that a similar malaise was endemic in their own institutions until follow-up was made the responsibility of a top political officer in the field.<sup>19</sup> They noted that annual progress reports were also opened to outside scrutiny from the human rights community and that annual meetings to review progress were instituted. These are all options that the EU could evaluate in order to minimise the risk of transactionalism and dilution.

At the political level, a new statement from the High Representative/Vice President could reinvigorate the EU election observation mandate by reaffirming EU principles and standards. Such a statement would also serve to diminish the risks of transactionalism and dilution. Also, other high-visibility figures such as the EU Special Representative for Human Rights could highlight election observation as a key EU human rights tool and advocate for the implementation of EOM recommendations. Giving the EU special representative role more political attention could help counter the anti-democratic and anti-human rights narratives currently gaining traction globally. The EU special representative could also better engage with EU delegations to reinforce the message that attention to this sector should be a key focus of their advocacy in the field, perhaps through regional meetings on this topic in situ.

## Methodological Aspects

From a methodological standpoint, there are a number of areas that have received high marks from experts interviewed and some areas where there is scope for further development. This was both in terms of the theoretical underpinnings and the concomitant tools to put this into practice.

The interviewees praise EU for its focus on social media as a component of elections and as a means for documenting the efforts of bad actors to produce information disorder. In particular, they welcomed the deployment of social media analysts in EOMs to provide in-depth analysis and full-scale social media monitoring as a corollary to other key areas of focus.

The EU's quick response and the accompanying methodological developments were applauded by many of the experts interviewed and have addressed the complexity challenge defined above. At the same time, interviewees noted the need for a more targeted approach, more firmly grounded in international principles, and perhaps more explicitly linked to the assessment of the campaign environment given that state party commitments on this specific issue are relatively sparse.<sup>20</sup> Here, the publication of guidelines or primers would be welcomed by interlocutors, as would a more targeted approach that maintains the balance across the areas of assessment. Interviewees also suggested that the EU use its clout to leverage monitoring tools from large platforms (such as Facebook or X) for other observer organisations – especially citizen observers.

Another complexity issue where experts saw the need for further development is cybersecurity in elections. While measures are in place to deploy technology experts for elections with electronic voting/registration, the wider context of the cybersecurity framework and examination of ancillary systems (such as voter registration systems and results management systems) has lagged behind. With bad actors targeting such systems in order to undermine trust in elections and democracy, this is something that should be further delineated in the future. In addition to the internal EU Information and Communication Technology (ICT) guidelines that have been developed, greater focus should be given to mainstreaming cybersecurity aspects into the methodology, with checklists provided as tools for many of the core team analysts.

In this “complexity” space, the role of generative artificial intelligence (AI) is widely discussed within the observer community and was raised by many experts in the interviews. It was acknowledged

by most that the evolution of this sector is too rapid for targeted methodological responses. Rather, they stressed that observers should keep abreast of developments and the national context, which will determine whether specific AI activity by electoral stakeholders undermines key principles of democratic elections.

The final complexity issue raised by a number of interviewees was the thorny issue of money in politics, with its concomitant facets of political/campaign finance, abuse of state resources, and political corruption. Here, EU reporting is considered relatively weak, despite the potential impact of these issues on the fairness of electoral contests. Interviewees saw the need for methodological development.<sup>21</sup> As other organisations have already published specialised handbooks on the subject (OSCE/ODIHR) or have developed specific observation tools (OAS), what is needed is better cross-pollination through the DoP network.

There is one further consideration regarding complexity. Many of these issues are long-term or difficult to capture during the course of an EOM. They often start months, if not years, before observers arrive. Some interviewees suggested that the EU consider reinstating its previous practice of deploying advance teams to access such issues.

Interviewees also noted the crucial role of citizen observer organisations and called for establishing a better rapport and better cooperation with these groups. It is, of course, important to ascertain whether such organisations are credible and truly impartial. Membership of umbrella organisations such as the Global Network of Domestic Election Monitors (GNDEM), the European Platform of Election Observation (EPDE), and the European Network of Election Monitoring Organizations (ENEMO), which vet their members and provide quality control, is the best guarantee.<sup>22</sup> While it is crucial to ensure that EU observation is first-hand and impartial, better cooperation with local organizations could be established over longer time periods to ensure that EOMs hit the ground running and that they have some baseline of information on these long-term issues and on those that are difficult to capture in the observation period proper. This should then be reported upon clearly. The issue was also raised of the EU supporting citizen observation within the EU itself in order to counter the risk of dilution.

## Conclusion

This contribution examines important challenges to EU election observation in terms of transactionalism, dilution, and complexity. Through a series of expert interviews, it identifies important institutional, political, and methodological changes that could be made to ensure that EU election observation maintains its high level of credibility and has real impact in terms of the EU's democracy and good governance goals. Election observation can, thus, remain a linchpin in the EU's human-rights based foreign policy.

This contribution offers a series of recommendations in order to build future resilience. They are presented below for consideration. The implementation of these measures would ensure better futureproofing, better take-up of recommendations, and better progress towards more genuine and democratic elections globally, a key EU priority.

## Policy Recommendations

### Institutional / Political

- The EU could consider observation formats of the LEOM or EAM variety, focusing on longer-term aspects and with consistent public reporting.
- The role of EU delegations in the follow-up process could be further buttressed to take better leadership and responsibility in implementing observer recommendations. This may include outside scrutiny from the human rights community and annual meetings to review progress.
- The role of the EU Special Representative for Human Rights could be better leveraged to bring greater visibility to the EU's work in election observation and to support implementation of recommendations as a key component of human rights globally.
- Better collaboration with credible and impartial citizen observer organisations could be established over longer periods to give better insight into the more long-term issues.

### Methodological

- While the EU's quick response to social media has been complimented, this should now become more targeted and tied to international election principles for maximum impact. Additional guidelines would be welcome tools.
- Cybersecurity aspects of elections should be further developed within the EU methodology and the recent ICT guidelines built upon to develop practical tools, such as checklists for key analysts.
- While generative AI is an important future challenge, the role of election observers should be to determine and report on whether activity by electoral stakeholders undermines the principles of democratic elections.
- The EU could further develop its methodology and reporting on money in politics (including political/campaign finance, abuse of state resources, and political corruption), since this often impacts the fairness of electoral contests.

Dr Beata Martin-Rozumiłowicz is an electoral expert with more than 20 years of experience globally. She has been a DCO on various EU EOMs, IFES' Europe/Eurasia Director, and headed OSCE/ODIHR's Election Department.

# Election Observation inside the European Union: a Void to be Filled

— Michael Lidauer and Armin Rabitsch

## Introduction<sup>23</sup>

Election observation is a globally recognised instrument to maintain and advance electoral integrity. International election observation, such as the European Union (EU) Election Observation Missions (EOMs), showcases the commitment to advance democratisation and foster global adherence to human rights and the rule of law.<sup>24</sup> On the national level, citizen election observation (also called domestic or national observation) contributes to safeguarding electoral democracy and can serve as a catalyst for electoral reform. Few citizen observer organisations, however, have developed in states with long established traditions of democratic elections. Paradoxically, many of the countries that promote international election observation lack enabling legislation and mechanisms for election observation domestically.

Inside the EU, conditions and approaches vary considerably, in particular with regard to the legal recognition of election observers. Ahead of the 2024 elections to the European Parliament (EP) – which take place concurrently across the EU and are organised separately by all member states – the European Commission (EC) has called upon the member states to encourage and facilitate impartial and independent election observation at all stages of the electoral process, both by citizens and international bodies.<sup>25</sup> Yet no specific support framework or independent funding has been provided. This contribution emphasises the value of engaging citizen election observers in electoral processes within the EU and provides recommendations for the European institutions and the member states to create the relevant enabling conditions.

## Election observation and its principles

International observation of elections enhances the integrity of democratic institutions and builds public confidence in electoral processes by independently assessing the compliance of legal frameworks and electoral practices with international standards and regional commitments.<sup>26</sup> Since the political transformations in eastern Europe, including the formation of new states following the break-up of the Soviet Union and Yugoslavia, international election observation has become a standard practice and election observers have recently been acknowledged as human rights defenders by the United Nations.<sup>27</sup> Several international and regional organisations – including the EU and the Organization for Security and Co-operation in Europe (OSCE), through its Office for Democratic Institutions and Human Rights (OSCE/ODIHR) – have developed standard procedures for election observation missions and other election assessment formats.<sup>28</sup>

In parallel, in-country citizen election observation,<sup>29</sup> providing independent third-party assessments of electoral processes potentially linked to post-electoral advocacy for democratic reforms, is

now a recognised electoral good practice undertaken by more than 250 recognized civil society organisations worldwide.<sup>30</sup> Citizen election observers can play a pivotal role in democratic processes, serving as independent witnesses to ensure the integrity and fairness of their own elections. Unlike international observer missions, citizens are in-country throughout all the stages of the electoral process, from voter registration to the implementation of results, and their scope of activities reaches beyond the electoral period as such.

Citizen election observers are able to assess the adherence of electoral stakeholders to electoral laws and regulations. This entails assessing electoral campaigns, monitoring campaign finance as well as equitable access to media and resources, and evaluating the conduct of election officials. Observers document violations or discrepancies, prompting electoral authorities to address deficiencies and improve electoral procedures. What is more, their findings can serve as a basis for legal challenges and long-term electoral reforms. Through follow-up to recommendations, citizen observers can become initiators, advocates, and stakeholders in electoral reform processes, with impact far beyond election day.<sup>31</sup> Their activities also include the conduct of research on aspects of electoral processes, the compilation and sharing of electoral good practices, and the provision of expertise throughout the electoral reform process. With their continued presence in-country, citizen observers can stay engaged throughout the electoral cycle in promoting better elections and by awareness raising and capacity building for other civil society organisations.

International and citizen election observation have evolved side by side over the past thirty years. Despite similar methodologies, international and citizen observers have complementary functions, and observation by citizens is considered more crucial than ever.<sup>32</sup> Citizen observers defend human rights in-country, are more familiar with the political context, can conduct process and results verification for transparency, and are better positioned to advocate for electoral reforms. By providing bottom-up scrutiny and holding governments and election management bodies accountable throughout the electoral cycle, they strengthen the rule of law and contribute to peace and security. Although international voices often get more attention in the media, citizen observers have a legitimacy of their own and contribute uniquely to the transparency of democratic processes.

Election observation is embedded in a set of international standards.<sup>33</sup> The right to participate in public affairs is enshrined in the Universal Declaration of Human Rights and in the single-most important binding standard for democratic elections: the International Covenant for Civil and Political Rights.<sup>34</sup> Building on decades of practice, international observer organisations like the EU, the Organisation of African States (OAS), and OSCE/ODIHR have developed similar methodologies for international election observation<sup>35</sup> and have published guidebooks for citizen observers.<sup>36</sup> In 2005, the leading international observer organisations endorsed the Declaration of Principles for International Election Observation (DoP) together with a Code of Conduct, which provides common guidelines. The EP, the EC and the Council of the EU are all endorsers.<sup>37</sup>

A similar framework for citizen observers was agreed under the auspices of the United Nations in 2012: The Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations.<sup>38</sup> It declares that citizen observers “can be considered as specialised human rights defenders focused on civil and political rights, which are central to achieving genuine elections.” The endorsing organisations of the Declaration of Global Principles have come together to form the

Global Network of Domestic Election Monitors (GNDEM), which promotes solidarity, common norms and methodology, exchange of experiences, good practice, and lessons learned among citizen observer organisations.<sup>39</sup>

Guiding documents like the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations and the DoP help to raise the standards of election observation and foster recognition by peers, the media, and the international community. A common principle enshrined in the codes of conduct of both citizen and international observers is that of non-interference in electoral processes. Such agreed standards also serve to distinguish impartial election observers from so-called fake observers, who simulate compliance with election observation norms, but pursue a partisan agenda and undermine trust in professional election observation.<sup>40</sup>

Distinguishing between non-partisan observers and political party agents or scrutineers is also critical. While the access of political party (and candidate) representatives to polling stations and counting centres is a fundamental transparency measure enshrined in legislation across Europe, party agents are not observers and cannot replace them. Party agents represent stakeholders competing for electoral victory, whereas observers represent the interests of voters and offer a non-partisan, third-party assessment without interfering in the electoral process.

## The context for election observation in the EU

Few citizen observer organisations have developed in states with long established traditions of holding democratic elections. In most cases, they originated in emerging democracies or countries which recently underwent a political crisis. The formation of citizen election observation can be understood as a result of the combination of serious electoral malpractice (grievances) and the freedom of civil society to mobilise (political opportunities).<sup>41</sup> Accordingly, the lack of citizen observation initiatives in established democracies might be due to a high level of public confidence and the lack of a perceived need for engagement and scrutiny by citizens. However, while the confidence of European citizens in their national election administrations is indeed high,<sup>42</sup> there is a growing awareness of potential vulnerabilities and of the need to enhance the resilience of elections in Europe.<sup>43</sup>

Under an overarching legal framework at European level, elections to the European Parliament are organised concurrently, but separately, by all EU member states. These modalities reflect the heterogeneity of Europe's electoral heritage, but also reveal a lack of coherence in the applicability of basic rules. For example, the minimum voting age and the age of candidate eligibility differ across the EU resulting in inequalities among its citizens.<sup>44</sup>

Over the last decade, established democracies have witnessed new trends such as increased online advertising for election campaigns as well as threats to electoral integrity including unsubstantiated allegations of fraud to diminish trust in the election administration, cyber-security threats to electoral infrastructure, and mal-intentioned foreign disinformation activities. The EU is addressing these challenges on various fronts, including through the Digital Services Act, which is now in force. Its impact on the next European elections will have to be assessed by election observers.

Based on United Nations and European standards, jurisprudence, and soft law, in particular the right to participate and the requirement for independent oversight, citizen election observers are well placed to assess the respect for fundamental rights, point out shortcomings, and, where necessary, advocate for electoral reforms. Citizen election observation is, therefore, becoming increasingly relevant in the EU, which requires member states to provide enabling conditions for election observation as well as to include observer organizations in electoral reform processes.

## European standards for election observation

The EU established the main objectives of EU international election observation in its Communication from the Commission on EU Election Assistance and Observation<sup>45</sup> with a commitment to strengthening the respect for fundamental freedoms and political rights, but there is no such guiding document for election observation inside the EU.

The Council of Europe's European Commission for Democracy through Law, better known as the Venice Commission, in its Code of Good Practice in Electoral Matters<sup>46</sup> provides for election observation in and outside Europe, setting forth that "[b]oth national and international observers should be given the widest possible opportunity to participate in an election observation exercise".<sup>47</sup>

The OSCE, with its Warsaw-based Office for Democratic Institutions and Human Rights (OSCE/ODIHR), conducts election observation within Europe in accordance with the 1990 Copenhagen Document's guiding principles for election observation for OSCE participating States, twenty-seven of which are EU member states.<sup>48</sup> Embedding provisions for citizen and international election observation in the law, as required by the OSCE Copenhagen Document, guarantees access and provides protection. An accreditation system is usually established by legislation to implement observer regulations and to regulate observer access and deployment. The agreed norms for international, non-partisan election observation by citizen organisations guarantee full accreditation by the relevant authorities and countrywide access to the electoral process, including polling stations and storage sites, during the pre-election, election-day, and post-election periods.<sup>49</sup>

International election observation activities by OSCE/ODIHR regularly include countries in the EU. The first OSCE/ODIHR election activities in current EU territory took place in 1996 with EOMs to Romania and Lithuania. Partly as a result of Russian objections that OSCE election observation was only directed to the eastern participating states, the Office began assessing specific aspects of elections in western European states in 2002.<sup>50</sup> Since then, the OSCE/ODIHR has regularly conducted assessments of elections in EU member states and has conducted around thirty observation activities since 2019 alone. In recent years, this has included limited and fully-fledged election observation missions (including long-term observers) in Bulgaria, Hungary, Poland, and Romania.<sup>51</sup> However, a study of 200 ODIHR reports has illustrated that the commitments under the 1990 Copenhagen Document are not yet consistently implemented within the EU.<sup>52</sup>

## Insufficient enabling conditions

The EU member states' legislation and approaches to election observation differ greatly despite their shared OSCE commitments. Only seven member states (Bulgaria, Croatia, Finland, Lithuania, Poland, Romania, Slovenia) have legislation and accreditation systems in place for both international and

domestic observers. Five additional countries (Austria, the Czech Republic, Hungary, Luxembourg, the Netherlands) have legislation<sup>53</sup> and accreditation for international observers, but not for citizen observers; Belgium only permits international observers; Estonia and Slovakia permit election observation without accreditation; and Latvia accredits international and citizen observers without a corresponding legal framework. In six member states (Denmark, France, Germany, Malta, Spain, Sweden), while legislation does not contain explicit provisions for election observation, voting and counting processes are open to the public without an accreditation system. Such access allows a degree of transparency on election day, but does not substitute the legally enshrined possibility for independent observation. The remaining five member states (Cyprus, Greece, Ireland, Italy, Portugal) do not have any framework for election observation.<sup>54</sup>

Table 1: Regulations for election observers in the European Union

|             | Voting and counting open to the public | Law foresees international election observation | Accreditation for international observers | Law foresees national election observation | Accreditation for national observers | Election-Watch.EU accredited in 2019 |
|-------------|----------------------------------------|-------------------------------------------------|-------------------------------------------|--------------------------------------------|--------------------------------------|--------------------------------------|
| Austria     |                                        | X <sup>55</sup>                                 | X                                         |                                            |                                      |                                      |
| Belgium     | X                                      | X                                               |                                           |                                            |                                      |                                      |
| Bulgaria    |                                        | X                                               | X                                         | X                                          | X                                    | X                                    |
| Croatia     |                                        | X                                               | X                                         | X                                          | X                                    | X                                    |
| Cyprus      |                                        |                                                 |                                           |                                            |                                      | X                                    |
| Czechia     |                                        | (X) <sup>56</sup>                               | (X) <sup>57</sup>                         |                                            |                                      |                                      |
| Denmark     | X                                      |                                                 |                                           |                                            |                                      |                                      |
| Estonia     | X                                      | X                                               |                                           | X                                          |                                      |                                      |
| Finland     |                                        | X                                               | X                                         | X                                          | X                                    | X                                    |
| France      | X                                      |                                                 |                                           |                                            |                                      |                                      |
| Germany     | X                                      |                                                 |                                           |                                            |                                      |                                      |
| Greece      |                                        |                                                 |                                           |                                            |                                      |                                      |
| Hungary     |                                        | X <sup>58</sup>                                 | X                                         |                                            |                                      | X                                    |
| Ireland     |                                        |                                                 |                                           |                                            |                                      |                                      |
| Italy       |                                        |                                                 |                                           |                                            |                                      |                                      |
| Latvia      | X                                      |                                                 | X                                         |                                            | X                                    | X                                    |
| Lithuania   |                                        | X                                               | X                                         | X                                          | X                                    | X                                    |
| Luxembourg  |                                        | X                                               | X                                         |                                            |                                      |                                      |
| Malta       | X                                      |                                                 |                                           |                                            |                                      | X                                    |
| Netherlands | X                                      | X                                               | X                                         |                                            |                                      | X                                    |
| Poland      |                                        | X                                               | X                                         | X                                          | X                                    | X                                    |
| Portugal    |                                        |                                                 |                                           |                                            |                                      |                                      |
| Romania     | X                                      | X                                               | X                                         | X                                          | X                                    | X                                    |
| Slovakia    | X                                      | X <sup>59</sup>                                 |                                           | X <sup>60</sup>                            |                                      |                                      |
| Slovenia    |                                        | X                                               | X                                         | X                                          | X                                    |                                      |
| Spain       | X                                      |                                                 |                                           |                                            |                                      |                                      |
| Sweden      | X                                      |                                                 |                                           |                                            |                                      |                                      |

Five of the countries that have legal provisions for citizen and international election observers (Bulgaria, Croatia, Finland, Lithuania, Poland, Romania, Slovenia) and two additional countries that have legal provisions only for international election observation (the Czech Republic and Hungary) underwent post-1989 political transitions. This suggests that such legislation was introduced in implementation of OSCE/ODIHR recommendations together with incentives for international aid and recognition (and, historically, incentives to become member states of the EU). This argument is underlined by the fact that most countries with active citizen election observer groups are or were recipients of external democracy support.<sup>61</sup>

This points to a paradox in international democracy promotion: most of the norm-givers, the established democracies promoting international and citizen election observation externally, do not respect this norm domestically. The perceived legitimacy of external election observation could be enhanced if democracy-promoting states were to follow the same norms, *inter alia* by encouraging citizen election observation “at home”.<sup>62</sup>

OSCE/ODIHR recommendations to EU member states include the establishment of conditions for international and national election observation where they do not exist. The Venice Commission, in its Summary on Recommendations of an Internationally Recognised Status of Election Observers, states that “[i]t often happens that recommendations made following election observation do not have any effect. In such cases, European countries should show a positive example and, if necessary, reform their electoral legislation in order to include provisions on the observation process.”<sup>63</sup>

That said, election observation in the EU has its own intrinsic value, especially in times of new geopolitical pressures, shrinking civic space, and illiberal trends in some member states, as well as new technological developments effecting both the administration of elections and electoral campaigns. As narratives of election manipulation and voter fraud increase and may be used strategically by some political actors<sup>64</sup>, voter trust in the election administration and electoral procedures can be safeguarded and enhanced through methodologically sound observation.

In 2012, the EU adopted the Strategic Framework and Action Plan on Human Rights and Democracy, which established that its institutions have a responsibility to “systematize follow-up use of EU Election Observation Missions and their reports in support of the whole electoral cycle, and ensure effective implementation of their recommendations, as well as the reports of other election observation bodies (e.g. OSCE/ODIHR)”.<sup>65</sup> In 2015, a new EU Action Plan on Human Rights and Democracy was adopted which underscored the need to “consolidate best practices for leveraging EU and ODIHR EOM recommendations in EU and EU member state political dialogues and democracy support activities”, in order to maximise the impact of election observation.<sup>66</sup>

These policies, however, relate to EU external action, where the EU is a major funder of electoral assistance.<sup>67</sup> Electoral support is one of the main components of the EU democracy support portfolio, accounting for around 100 million euros annually for the last two decades.<sup>68</sup> Electoral support activities, including support for citizen election observers, were funded by a range of instruments, but have now been incorporated within a single Global Europe<sup>69</sup> instrument.<sup>70</sup> There are neither policies nor funding arrangements for election observation inside the EU.

The EP is also actively engaged in international election observation and contributes to debates on further methodological and conceptual developments. A recent report recommends to strengthen the link between election observation work and the EU's wider support for human rights and democracy as well as to provide more support to initiatives related to election observation and knowledge-building at local, regional and international level.<sup>71</sup> In two related resolutions, the EP has called on the OSCE, but not citizen election observer organisations, to organise an election observation mission during the June 2024 EP elections, and encouraged member states to make use of this possibility.<sup>72</sup> However, while OSCE participating States committed themselves to invite OSCE/ODIHR to observe national elections, an official invitation is always required. It is, therefore, the individual EU member states which decide whether to invite OSCE/ODIHR observers for the EP elections.

The 2024 European elections provide an important opportunity to advance election observation within the EU. Although the EP has not explicitly called for citizen observation, the EC has clearly recommended member states to facilitate and establish enabling environments for independent election observation, including by citizens, in its recommendation on inclusive and resilient electoral processes in the Union<sup>73</sup> – part of the Defence of Democracy package.<sup>74</sup> This is in line with the EC's demonstrated interest in engaging with non-partisan citizen engagement around the European elections, as illustrated by projects for civic and voter education.<sup>75</sup> The EC has already recognised the role of accredited international and national election observers in assessing the transparency and targeting of political advertising.<sup>76</sup> This new legal framework provides scope for further observer inclusion and should be pursued by formalising independent election observer oversight.

In 2019, for the first time, the citizen-based network of election experts and observers Election-Watch.EU, to which both authors belong, conducted a comprehensive assessment of the EP elections covering all of the EU, with accreditation as observers in twelve member states.<sup>77</sup> Their findings and recommendations were presented to the EP Committee on Constitutional Affairs (AFCO) and the newly-formed European cooperation network on elections (ECNE).<sup>78</sup> The report was also referenced by the EC<sup>79</sup> and in subsequent electoral reform debates.<sup>80</sup> Ahead of the June 2024 elections, Election-Watch.EU conducted a pre-assessment mission and recommended the deployment of an Election Assessment Mission covering all member states.<sup>81</sup>

While representatives of European institutions have indicated their support for citizen election observation during the 2024 EP elections, no specific support framework has yet been envisaged. Election observation requires funding that is both independent and transparent in order to maintain credibility. Non-partisan observer organisations must avoid any perception of bias and cannot, therefore, receive direct state funding. Possible funding solutions could involve a range of partners including philanthropic foundations and regional organisations.

## Conclusion and Recommendations

Citizen observers can play an important role in strengthening democratic resilience. Election observation efforts mobilise millions of citizens to participate in public affairs worldwide, but many EU member states still lack legal provisions for the recognition of citizen and international election observation. Past OSCE/ODIHR recommendations to address this gap have not been implemented,

despite commitments within the OSCE. This contrasts with the EU's overall engagement for democracy and human rights and is particularly problematic given the EU's prominent role in international election observation and its ongoing support for citizen election observers globally.

In this regard, the recent EC recommendation encouraging the EU member states to facilitate international and citizen election observation around the 2024 EP elections points to the policy void regarding election observation within the EU, and the need to create enabling conditions for international and citizen election observation.

In view of growing global and EU-internal societal, political, and technological challenges, the upcoming elections to the EP provide an opportunity to invest in democratic resilience, foster trust in electoral processes, and embrace a human rights-centred approach to further European integration. Implementing the idea of citizens across the EU observing their own elections as a means of building resilience and engaging with policy makers on weaknesses and good practices during the longer electoral cycle would be a step in the right direction.

It is, therefore, recommended that European institutions and EU member states should establish a shared policy for international and citizen election observation within the EU and establish appropriate funding mechanisms for such undertakings. In line with international commitments, OSCE/ODIHR recommendations, and the EC recommendation regarding the 2024 European elections, each EU member state which has not already done so should introduce legislative provisions to explicitly allow for the access and accreditation of election observers throughout the electoral process.

In support of its recommendation for EU member states to adopt legal provisions and enabling mechanisms for international and citizen election observation, the EU should design a mechanism to provide independent support for acknowledged citizen election observers inside the EU. Recognising its global role in international and citizen election observation and in line with the EC recommendation on the 2024 European elections, the EP should consider incorporating into its policy approach an encouragement and acknowledgement of citizen election observation inside the EU.

Michael Lidauer is a senior policy advisor and elections expert & Co-founder of Election-Watch.EU. Armin Rabitsch is the chairperson of Election-Watch.EU, a non-partisan election observer organisation. As election adviser including for European institutions he authored several reference documents in elections related to human rights and Artificial Intelligence.

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# Social Media Monitoring in European Union Election Observation Missions: An Analysis of Five Years of Practice (2019-2023)

— Xabier Meilán

## Introduction

The new media ecosystem, of which social media is an integral part, has profoundly impacted politics and elections. This has changed election observation, which has incorporated social media into its areas of analysis. A review of the final reports of the observation missions of the European Union (EU), a pioneer in this field, reveals that, irrespective of the degree of democratic development of the country concerned, social media has become a crucial space for the exchange and debate of ideas, especially for candidates lacking the resources to campaign on traditional media. Social media has, at the same time, become an avenue for disinformation and the violation of rights such as freedom of expression and privacy.

The expansion of social media has fragmented audiences and reduced the revenue and influence of traditional mass media. As social media operates on the internet, a space neither public nor limited, unlike the electromagnetic spectrum where radio and television operate, it has no public service obligations nor needs to be regulated by a state authority during elections, as is the case with state and broadcast media. Furthermore, the imposition of reasonable restrictions on freedom of expression online, established in international instruments, such as the International Covenant on Civil and Political Rights (ICCPR), has been hampered by the speed of information dissemination online and the extraterritoriality of social platform companies.

While the problem of inaccurate or false information predates the internet, the emerging information disorder is a matter of grave concern because it can affect the outcome or the integrity of an election when there are insufficient resources for effective remedies within the short duration of an election campaign. For example, a false accusation against a candidate that goes viral a few days before election day can cause damage that cannot be rectified in the limited time available.

The year 2016 marked a turning point with the US presidential election and the UK referendum on European Union membership both showing how foreign actors can intervene in an election campaign to influence the outcome, and how internet companies can collect information about users to psychologically profile them and use it to send tailored messages to voters.<sup>82</sup> Following these 2016 polls, public authorities have taken decisive measures to prevent social media from interfering in election campaigns.

Since 2016, the EU's legislative initiatives on social media have imposed rules on the use of personal data by social media companies and sparked public debate, particularly in the United States, where the most prominent social media companies are based and where the legislative tradition is reluctant to intervene on questions of freedom of expression. As one of the most conspicuous tools of the EU's external action, election observation missions have also played a visible role in raising awareness about the potential impact of social media on electoral processes.

This article examines the twenty-three EU Election Observation Mission (EU EOM) final reports issued since 2019, the year in which a specific report section for online election-related content was introduced. On the basis of this analysis, a number of recommendations for improvement are offered.

## Context

The EU has been particularly active in legislative reforms affecting social media, adopting legislation that has become an international reference point in the defence of digital rights. The first two relevant pieces of legislation in this area were the General Data Protection Regulation (GDPR, 2016),<sup>83</sup> which imposed significant obligations on internet platforms that collect and process the data of EU citizens, and the Digital Services Act (DSA, 2022),<sup>84</sup> which combats the exchange of illegal content online and promotes the fight against disinformation.

Recently, the European Council and the European Parliament adopted the Regulation on Transparency of Political Advertising (2023),<sup>85</sup> while the Artificial Intelligence Act (2024)<sup>86</sup> is in the approval process. Under the former, political advertising has to be labelled as such and social media companies are required to state who paid for the advertising, how much was paid, and whether or not the ads were programmed to reach a specific socio-demographic group. As for the Artificial Intelligence Act, it is the world's first attempt to regulate the use of artificial intelligence (AI). The Act seeks to define AI, prevent AI-driven human rights abuses, and impose transparency obligations on AI models.

In parallel with this legislative activity there has been a sharpening of the focus of EU EOMs on social media's impact on elections. The 2016 edition of the Handbook for European Union Election Observation<sup>87</sup> considers "online election-related content" for the first time as one of its assessment areas. This third edition of the handbook acknowledges the internet as a tool "to engage with voters to provide election-related information", as a forum of "an almost endless number of potential opinion-makers," and as a means "to initiate and organise political action."<sup>88</sup>

The handbook established that the media analyst was the primary person responsible for social media analysis, but this responsibility was also shared with the legal, political, and election analysts.<sup>89</sup> It was not until 2019 that exploratory missions, sent in advance to assess the conditions for deploying EU EOMs, started to include a media/social media expert as part of the EU EOM teams. In 2021, EU EOMs began systematically recruiting social media analysts, supported by a team of locally-hired social media assistants. Since then, final EU EOM reports have contained a digital communications and social media section, as well as a social media category in the recommendation matrix.

The EU is undoubtedly the observer organisation that devotes the most resources and space to social media analysis during the campaign. The Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), another major player in international election observation, has comprehensive, dedicated guidelines for observing election campaigns on social networks,<sup>90</sup> but a review of the final reports of the OSCE/ODIHR's fully-fledged election observation missions uploaded on the organisation's website in 2023<sup>91</sup> shows the relative scarcity of resources dedicated to social media observation (no social media analyst and just one assistant to the political analyst). This translates into basic qualitative information in its observation reports, usually brief and incorporated under various sections. Other international organisations involved in election observation, such as the Organisation of American States and the African Union, show only an incidental interest in election campaigns through social platforms. Most of their recent reports do not include information on social media. There could be different reasons for these various approaches: divergent views on evaluating social media during elections, different estimations of the effect on host countries, or insufficient resources.

An analysis of EU EOM practices between 2019 and 2023 can serve as an advanced model for social media monitoring, which, if neither ideal nor fully standardised, is comprehensive.

## Main findings

The 2019 EU EOM to Nigeria marked the beginning of a new trend in final reports: the inclusion of a section in the report dedicated to social media. Modelled on the structure of the media section, it generally consists of three subsections: social media landscape, legal framework, and findings.

The subsection social media environment, which is not always titled as such, describes the social media landscape in general terms. Overall, the environment in Asian and African countries was characterised by a low social-media literacy rate, but this was not the case for America. Social media is essential in all these countries. In some of them, such as Gambia (2021), social media upholds “a vigorous and pluralistic debate that is an essential element of a democratic election”. In a country like Venezuela (2021), “digital news portals have become the refuge of independent, investigative journalism”. These contributions to an authentic democratic discussion took place notwithstanding excessive restrictions on freedom of the press and severe disinformation problems.

The legal framework subsection of the social media chapter in the EU EOM final reports analyses host country legislation primarily in three thematic areas: regulation of online campaigning, protection of privacy and personal data, and campaign advertising. EU social media sections rarely systematically collect information on these issues, although there are applicable international principles and standards.<sup>92</sup> In addition, many reports do not address the absence of public information online, the social media monitoring by the Election Management Body (EMB), or temporary blocking of internet access – where there are also existing international principles and standards.

Despite the heterogeneity of the countries observed in terms of size, population, and level of socioeconomic and technological development, there is a notable consistency in the thematic areas and even in the findings of the EU EOM social media observation. The most common monitoring finding is that, with very few exceptions, online platforms have become a space for exchanging

information, engaging in political debate, and demanding accountability from public authorities. This is the case both in political regimes with no significant restrictions on freedom of expression and in autocratic regimes or those with weak democracies.

As for the EU EOM recommendations in the field of social media (see Table 2 below), the twenty-three final reports analysed for this article issued fifty-three recommendations, an average of two per mission. These fifty-three recommendations can be boiled down to nine:

Table 2. Recommendations on social media by EU EOMs

| N° | Description                                                                                                      | Frequency | Priority recommendation | Legal change needed |
|----|------------------------------------------------------------------------------------------------------------------|-----------|-------------------------|---------------------|
| 1  | Cooperate (EMBs, platforms, civil society organisations, etc.) to fight disinformation and promote fact-checking | 17        | 5                       | 0                   |
| 2  | Adopt and enforce personal data protection laws                                                                  | 14        | 2                       | 12                  |
| 3  | Eliminate restrictions on freedom of expression                                                                  | 7         | 3                       | 7                   |
| 4  | Extend campaign rules to the online environment                                                                  | 5         | 0                       | 5                   |
| 5  | EMB to conduct social media monitoring                                                                           | 4         | 0                       | 1                   |
| 6  | Label and calculate advertising online as electoral expenditure                                                  | 3         | 2                       | 3                   |
| 7  | Display verification badges                                                                                      | 1         | 1                       | 0                   |
| 8  | Monitor gender-based violations                                                                                  | 1         | 0                       | 0                   |
| 9  | Forbid use of institutional accounts for the campaign                                                            | 1         | 0                       | 0                   |
|    | <b>TOTAL</b>                                                                                                     | 53        | 13                      | 28                  |

Three of the fifty-three recommendations were made only once during the five years under study and are, therefore, isolated cases: the display of verification badges to help voters identify official pages, the specific monitoring of gender-based violations of electoral rules and regulations (primarily attacks against female candidates, journalists and human rights activists, targeted by inflammatory speech and disinformation), and prohibiting the use of institutional accounts in favour of a candidate or party when deemed an abuse of state resources.

We can conclude from the review of social media recommendations formulated during the period 2019-2023 that they have four main concerns:

- The **fight against disinformation** and the need for fact-checking initiatives by consortia of multiple stakeholders (17 cases)
- The **approval and enforcement of laws to protect personal data** (14 cases)
- The **need to eliminate restrictions on freedom of expression online** (7 cases)
- The **regulation of online campaigning** (Table 2, n° 4, 5, 6, 7, and 9, 14 cases in total)

Of the fifty-three recommendations analysed twenty-eight, or more than half, require legal changes. This is relevant because, according to recent research,<sup>93</sup> 61 per cent of EU EOM recommendations requiring legal amendments have not been implemented.

Two conclusions can be derived from this finding. First, the most frequent recommendation (cooperation between different stakeholders to combat misinformation and promote verification of information), which does not require legal change, is almost twice as likely to trigger some form of implementation as a recommendation requiring legal changes.<sup>94</sup> Second, some recommendations, such as adopting personal data protection laws or extending campaign rules to the online environment, are a consequence of the recent surge in social media use and it takes time for the legal response to catch up with technological change. There will always be an element of catch-up. In other words, the absence of reform may not always be due to a resistance to reform.

The following suggestions for methodological improvements to the social media analysis carried out by EU EOMs are based on the above findings.

### Give greater prominence to analysis over description

The social media section of EU EOM final reports is modelled on the media analysis section, reflecting the similarity of their objects of analysis. However, the space devoted to descriptions of the amount and tone of social media content reflects more the statutory obligations of traditional media during electoral campaigns. There are no such requirements for impartiality and balance in the electoral coverage of social media.

For example, information on the most frequent post type (text, image, video, etc.), the number of clicks or emojis in the comments section, the percentage of opponents' criticism, or the general tone of the messages is not necessarily relevant.

## Base the analysis on the implementation of international principles for elections

Perhaps because of an “observation bias” that prioritises shortcomings, some reports do not explicitly assess compliance with international election principles applicable to social media, presumably because this seems unnecessary when the principles are respected.

What are these principles? According to the Handbook for European Union Election Observation the elaboration of these principles is an ongoing process.<sup>95</sup> An analysis of the most frequent social media recommendations, however, demonstrates consistent trends:

### a) Freedom of opinion and expression

Has freedom of expression on social media been respected? This would require, for example, that there are no laws in place with vague terminology that serves to censor or that there are no arbitrary internet shutdowns.

### b) Transparency and the right to information

In this area, questions to be answered include what measures have been taken to combat disinformation (such as fact-checking initiatives, public information or education campaigns) and by whom (EMB, government, social media companies, or civil society organisations). Another critical question is how social media companies respond to requests for content moderation by EMBs or judicial bodies.

### c) The rule of law and equality before the law

Is online election campaigning regulated? Are the regulations enforced? Are state institutions impartial with respect to social media campaigning?

### d) Privacy

Are there laws in place to regulate and protect voters’ right to privacy? Are they enforced?

Any restrictions to these four rights and principles should meet the ICCPR’s three-pronged test: they must be necessary, proportionate, and established by law.

## Make the reports more methodologically consistent.

This recommendation proposes unifying the section names and ensuring more consistent content. The social media section should always follow the model of the media section with three subsections devoted to: defining the media environment (social media landscape), assessing the legal framework (legal framework), and describing the monitoring findings (social media monitoring findings).

Secondly, this recommendation requires developing shared definitions of legal terms such as “hate speech” and avoiding unhelpful colloquial expressions such as “adversarial speech”, “negative campaigning”, “negative rhetoric”, and especially “fake news”. Such terms lack rigour, are vague

from a legal point of view, and do not necessarily indicate conduct that is problematic in an electoral campaign.

### **Mainstream gender issues in the analysis of social media.**

This involves systematically analysing whether there is particular discrimination on gender grounds. This finding has begun to emerge from 2021 (see EU EOMs Iraq 2021 and Lebanon 2022).

### **Update the section on online election-related content of the Handbook for EU Election Observation**

The social media section of the EU handbook is outdated and no longer reflects the experience of five years' observation and analysis of social media. In particular, it does not delineate the tacit consensus that has emerged on the international principles at stake and the areas of main analytical interest, nor does it respond to the current practice of social media analysis. Furthermore, the media analyst is no longer the core team member primarily responsible for following social media, as at the time of publication.

Future research on social media analysis in the framework of election observation should consider the findings of Election Follow-up Missions (EFMs) regarding the implementation of recommendations. Given that EFMs are sent to host countries two to three years after the deployment of the EU EOM, the data sample upon which this article is based (reports published since 2019 onwards), is currently insufficient.

### **Conclusion**

Social media platforms can negatively affect critical components of genuine elections such as freedom of expression, transparency and the right to information, prevention of corruption, the rule of law, and gender equality. Moreover, the right to privacy in elections has assumed much more importance with the advent of online platforms.

The electoral relevance of social media is not unequivocally dependent on the state of democracy in a given country. States with long democratic traditions may enjoy vibrant online campaigns, but can also see their elections threatened by disinformation. In authoritarian regimes, rights and freedoms associated with social media are endangered. Despite these concerns, social media brings benefits. Opposition or poorly resourced parties can more easily escape restrictions on their activities online or have access to advertising resources that would be unaffordable in the traditional media.

EU EOMs have proved sensitive to this reality. Of the main international observer organisations, the EU has paid the most attention to and invested the most resources in social media analysis. However, there remains room for improvement with regard to methodological consistency and analytical depth, both of which are crucial to addressing the challenges and opportunities in this constantly evolving field.

Xabier Meilán holds a PhD in Political Science and International Relations, as well as a master's degree in Journalism. He has worked in election observation and assistance since 2002.

# Follow-up to Recommendations: it has Got Much Better, but is this Good News for Democracy?

— Domenico Tuccinardi

European Union Election Observation Mission (EU EOM) recommendations have been a central component of the European Union (EU) observation methodology for the past 15 years and, since the adoption of the seminal Commission Communication 191 of 2000,<sup>96</sup> have been relevant to the EU's electoral observation strategy. From 2003, EU EOMs began carrying out return visits to partner countries to present their final reports and recommendations. However, the follow-up mechanism remained inconsistent and largely random until at least 2010.

Since then, the follow-up mechanism has undergone considerable technical development without, however, resolving the issue of its end goals. It has become a rigorous, multi-layered technical exercise that serves as a reference in assessing both democratic developments in EU partner countries and the risks of autocratisation. The mechanism, however, has limited impact in stimulating democratic reforms: half of the EU EOM recommendations are not even included in post-election dialogue processes. While there are multiple reasons for this limited impact – it could be argued that the excessive emphasis on follow-up renders EU EOMs unattractive for EU partner countries – it is hard to see how the recommendations could be improved from a technical point of view.

The effectiveness of EU EOM recommendations may rather depend on the political commitment of EU member states to support long-term democratic reforms. If improved, this could make it less necessary to repeat EOMs where an invitation is not forthcoming. To understand more of the dynamics of EU follow-up, this contribution will, after a short historical overview, present an analysis of the data contained within the European External Action Service (EEAS) repository of Electoral Follow-Up Mission (EFM) reports.

## From event-driven to process-driven interventions

Coherent democracy support programming based on EU EOM findings remained an aspiration until EU election observation evolved towards a process-oriented instrument. The preparatory work and the official endorsement of the Declaration of Principles for International Election Observation (DoP) in 2006, were critical steps in this direction. The DoP process emphatically promoted the significance of long-term observation and the value of recommendations for future reforms; it focussed global attention on the need for more comprehensive recommendations by election observers.<sup>97</sup>

The DoP endorsement took place largely in parallel with the adoption of the electoral cycle approach as a guiding principle for EU electoral assistance.<sup>98</sup> This comprehensive realignment emphasised EU EOM recommendations as the basis for future electoral assistance programming and was instrumental in shifting attention away from electoral events towards the long and complex process that precedes and, more particularly, follows election day.

This paradigm shift was also acknowledged and embraced by the European Parliament (EP).<sup>99</sup> The EP endorsed the DoP for its own election observation activities, which were fully incorporated within the long-term missions deployed by the EU and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR). Other important political recognitions of the strategic importance of recommendations came with the 2009 Council Conclusions on democracy support in the EU's external relations,<sup>100</sup> and most importantly the 2012 EU Strategic Framework and Action Plan on Human Rights and Democracy (updated three times since). These documents established the policy framework for EU EOM follow-up to recommendations and the cooperation of member states in this domain. As a result, the recommendations became increasingly seen as the real legacy of the EU's electoral observation endeavours.<sup>101</sup> This necessitated methodological improvements in the formulation of recommendations.

## Shifting up a gear

The above-mentioned developments elevated EOM recommendations to a higher policy dimension,<sup>102</sup> finally realising the vision of the 191/2000 Communication. The introduction of Election Follow-up Missions (EFMs) in 2013 was the logical operational consequence. EFMs have since been shaped into a key instrument to assess the overall consistency in the follow-up to EU EOM recommendations and to spur high-level political engagement within the relevant partner countries.<sup>103</sup>

A significant methodological upgrade came with the 2017 Special Report by European Court of Auditors (ECA), which called for systematic EFM deployment after every EOM and for a more concerted efforts on the part of EU institutions.<sup>104</sup> The ECA's conclusions gave a boost to the development of the EU observation methodology: the recommendations were no longer to be considered as an afterthought to the final report, but a conscious reflection informing the mission rationale. This demanded reviewing the entire observation mission calendar through a "recommendations lens" so that thinking about and working on the formulation of appropriate recommendations begins in the early stages of EU EOM deployment.

The process for the formulation of EU EOM recommendations has come a very long way. Recommendations are now constructive, generally well-drafted, rigorously fact-based and refer to the partner country's legal commitments.<sup>105</sup> They highlight where regulatory changes or legal reforms are needed in order to address non-compliance with national legislation and with the relevant international commitments and human rights obligations. Recommendations also address the weaknesses in the election process that hamper the country's democratic development. They can also highlight where action could be taken to improve the efficiency, effectiveness, and institutional capacity of electoral stakeholders.

Nevertheless, the essential nature of EU EOM recommendations remains unchanged, and the inconsistent political commitments from EU member states on the ground in the long-term dilutes their impact. EU EOM recommendations are a constructive contribution to a partner country's democratic process, offered in a spirit of partnership and cooperation, but cannot be elevated to categorical demands.

Implementation of EU EOM recommendations cannot be linked to development aid conditionalities, unless taken up as a nationally-owned agenda for change through articulated, grass-roots political dialogues backed up by an unwavering EU political commitment that goes beyond a single electoral cycle.<sup>106</sup>

### **The findings: half of the EU EOM recommendations are not taken into account**

In the period 2012-2023, thirty-five EFMs took place; the reports are published on the EEAS website which serves as a global repository of EU EOM documentation.<sup>107</sup> The EFM *modus operandi* requires each follow-up mission to compile standard tables to “photograph” how the recommendations of the previous EU EOM have been taken into account by the partner country at the moment of the follow-up visit. This study has analysed the dataset from thirty recommendation tables included in the EFM reports, covering a period of just over twelve years.

The research team collected all the implementation tables from the EFM reports, coded and categorised the recommendations in a database<sup>108</sup> by type of intervention on the part of national actors and by electoral component. The study could then review a total of 830 recommendations formulated in the thirty missions that used the standard evaluation system until the end of 2023. Figures 1 and 2 below show the overall results:

Figure 1 and 2. Overall implementation rate and intervention type recommended

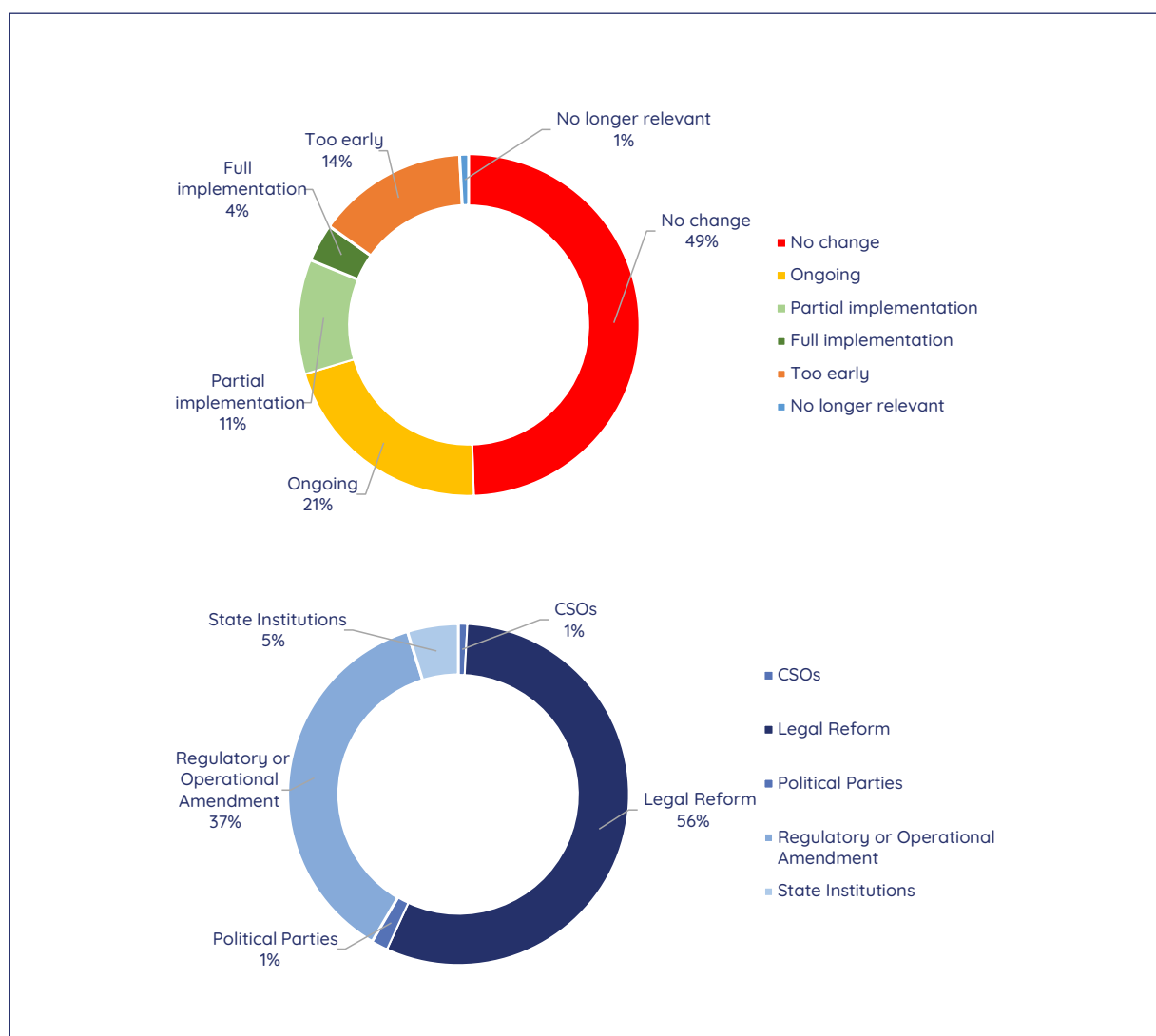


Figure 1 shows that EU EOM recommendations were not acted upon by the national authorities in at least 49 per cent of the cases, while 1 per cent were no longer relevant. In 21 per cent of the cases, dialogues about the recommendations were ongoing, and in 15 per cent of the cases there had been a positive change. What stands out from this data is that half of the recommendations issued by EU EOMs were not part of any dialogue in the partner countries, at least in the years immediately following the observed elections. This data, however, shows a considerably better situation than the information collected before the EFM era suggested.

Figure 2 illustrates the type of interventions suggested to partner countries for the implementation of the recommendations. This brings to the fore two main categories: a) recommendations requiring legal reforms, which account for 56 per cent of the cases, and b) recommendations requiring regulatory or operational changes, which account for 37 per cent. The data on the second category marks a significant improvement over the situation described in a first study on EU EOM recommendations in 2012.<sup>109</sup> There has been a clear policy shift: recommendations are now formulated to be actionable, in other words capable of producing meaningful improvements to the democratic framework without necessarily requiring legal reforms.

## Recommendations requiring legal reforms

Figure 3 shows the breakdown of recommendations requiring legal reform. Out of 465 recommendations, only 11 per cent had been implemented by the time of the EFM and 21 per cent were currently under consideration. The number of recommendations not taken into account is the highest in this category, hitting 61 per cent. Given the complex nature of the legal reforms recommended, which often affect electoral institutions or media structures and normally require long deliberations by national stakeholders, one should not be surprised to see a relatively low implementation rate. Such complex processes normally take much longer than the timeline of EFMs – two or three years after the elections.

Figure 3. Breakdown of recommendations related to legal reform

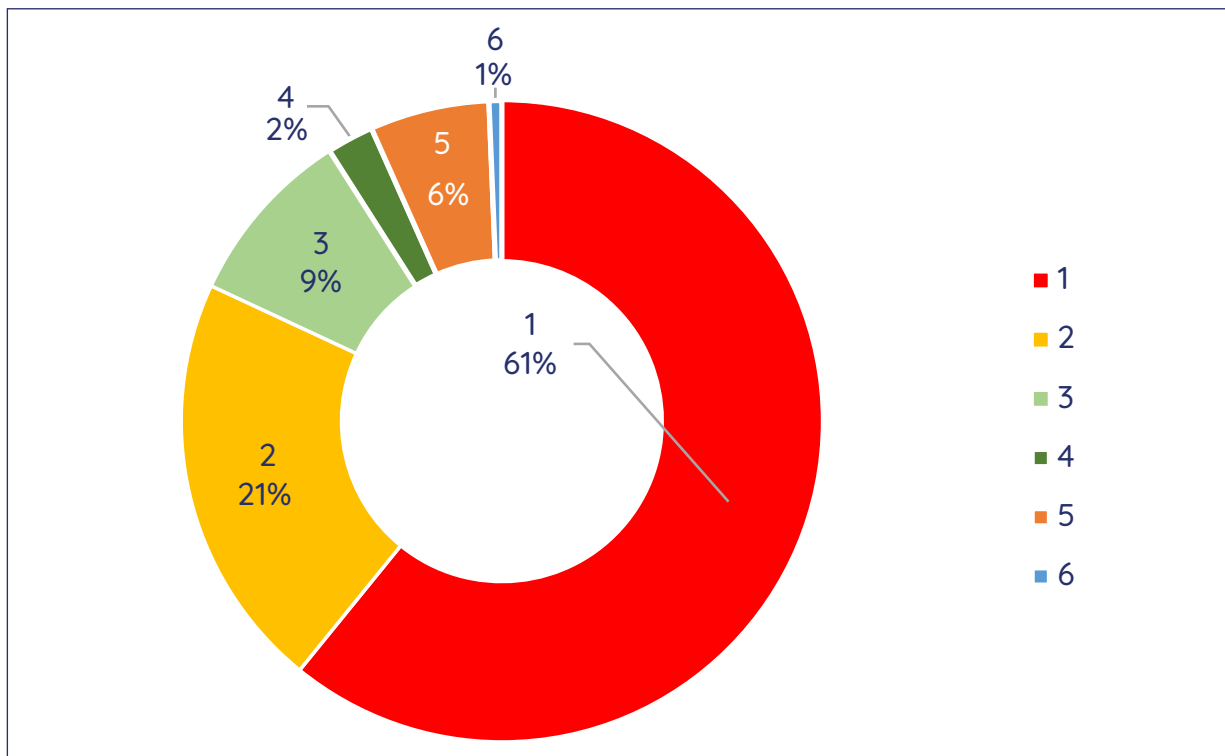
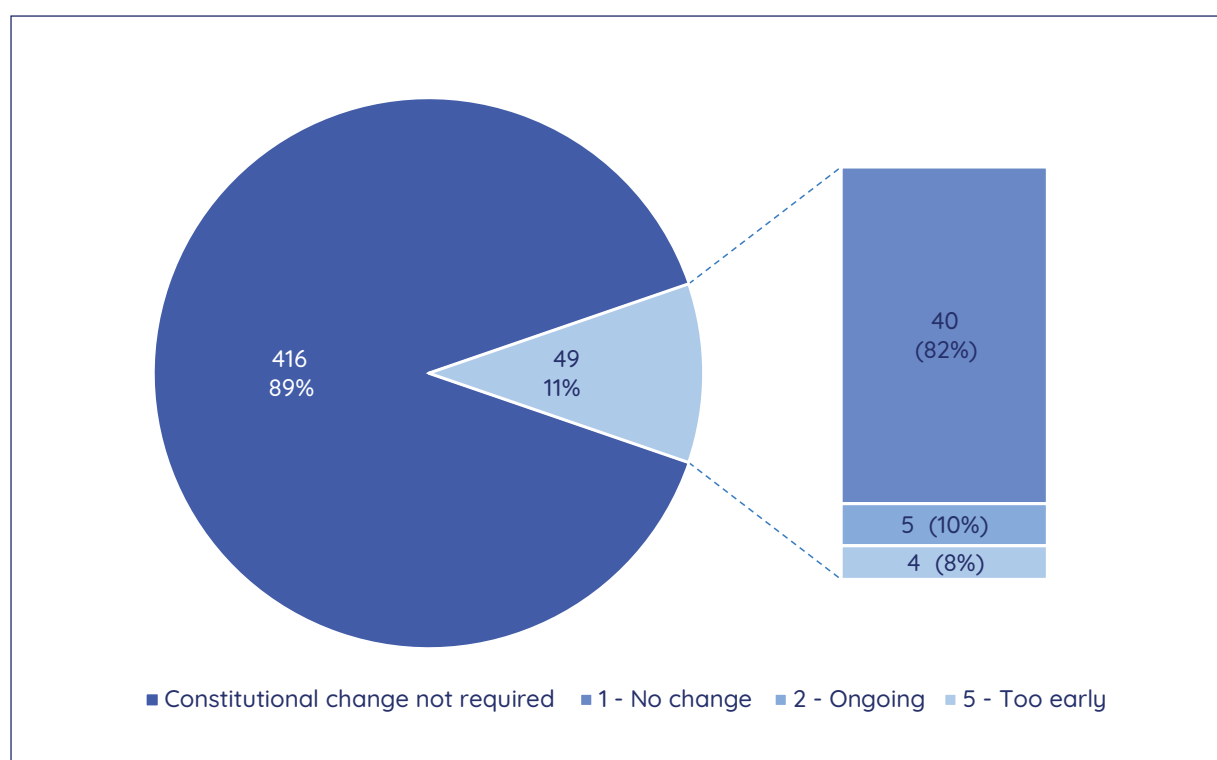


Figure 4 below highlights a sub-section of this category. Out of the global number of recommendations calling for legal reform, 11 per cent required constitutional changes. Within this sub-category, 82 per cent saw no movement at all, while 10 per cent were under consideration. The likelihood of a constitutional change being adopted within two to three years after an election is very low, as is reflected by this data. Constitutional changes usually require supermajorities and lengthy debates often accompanied by extensive discussion by a wide range of actors. Even in the best of circumstances, this takes time.

Figure 4. Recommendations requiring constitutional change

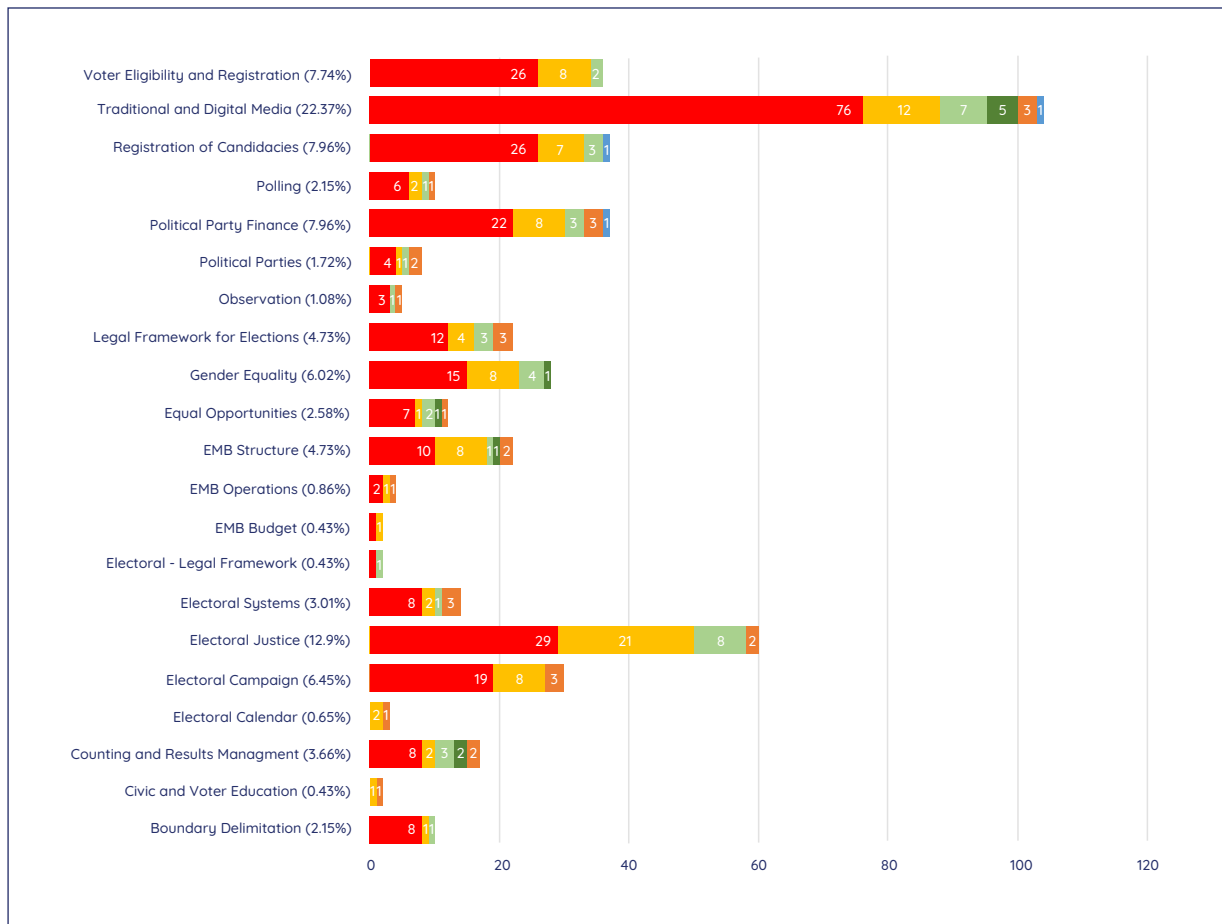


Since the systematic adoption of priority recommendations by EU EOMs, the overall trend shows a slight increase in the implementation rate and more political attention given to these recommendations in dialogue processes. This study does not include specific data on the implementation rate for priority recommendations, as this category was not consistently applied by EOMs before 2019. Prioritising recommendations does, however, appear to be a sensible and effective means of increasing attention and impact.

The breakdown by electoral components illustrated in Figure 5 below is very significant as it reflects the ongoing effort by EU EOMs to look more and more into the wider democracy landscape surrounding electoral processes. This data supports the notion that the deciding factors in an electoral context are more often than not to be found outside the technical administration. The areas where most legal interventions are proposed by recent EU EOMs cover the terrain where democratic backsliding occurs.<sup>110</sup> The most frequent electoral component referred to in the recommendations demanding legal reforms (22.3 per cent) is the media framework: in this domain there is a strong

increase in proposals to regulate social media in electoral campaigns. In 12.9 per cent of cases, the recommendations demand reforms in the area of electoral justice and electoral dispute resolution, a sector where new autocracies are increasingly concentrating their efforts in order to manipulate the popular vote. A similar share of recommendations, between 7 and 8 per cent, are devoted to the reform of political party finance, candidate registration, and voter eligibility/voter registration – traditional areas of electoral malpractice.

Figure 5. Breakdown by electoral components of legal reform-related recommendations



This breakdown by electoral components of the recommendations related to legal reform presents a gloomy picture. The data supports the trend towards slow forms of autocratisation in contexts where ruling parties and strongmen allow the technical empowerment of electoral authorities, while narrowing democratic spaces through legal or regulatory limitations well ahead of the election itself. Such interventions typically limit freedom of expression and voter/candidate eligibility, and result in unequal party funding and control by incumbents of the institutions responsible for electoral dispute resolution.

## Recommendations requiring regulatory or operational changes

The implementation rate improves when looking at EU EOM recommendations requiring only regulatory or operational changes (Figure 6 below). Such changes are generally within the remit of electoral management bodies (EMBs), or other agencies involved in the electoral process, such as media regulatory or political party registration agencies. Out of the 830 recommendations analysed, 305 (37 per cent) required regulatory or procedural changes. Of these, 18 per cent had been implemented and in a further 21 per cent reform discussions were ongoing. No changes occurred in only 34 per cent of cases.

Figure 6. Regulatory or Operational Amendments Status

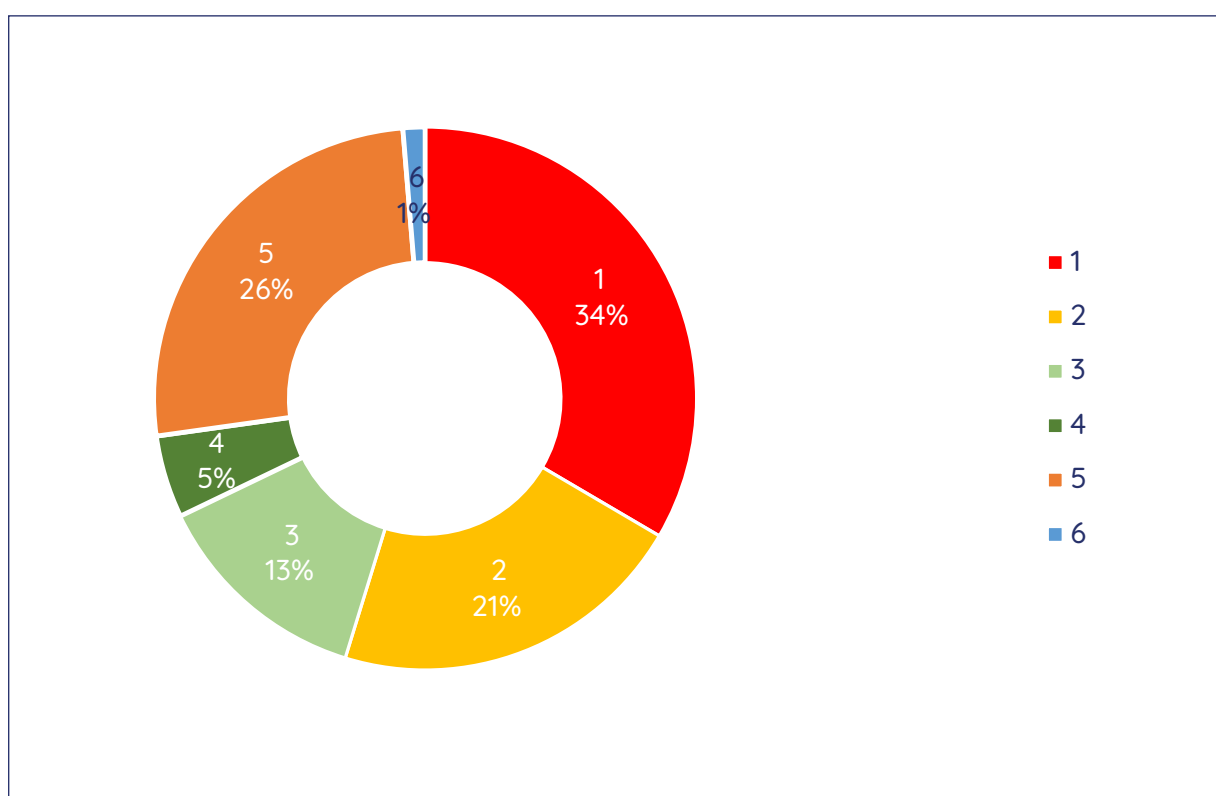
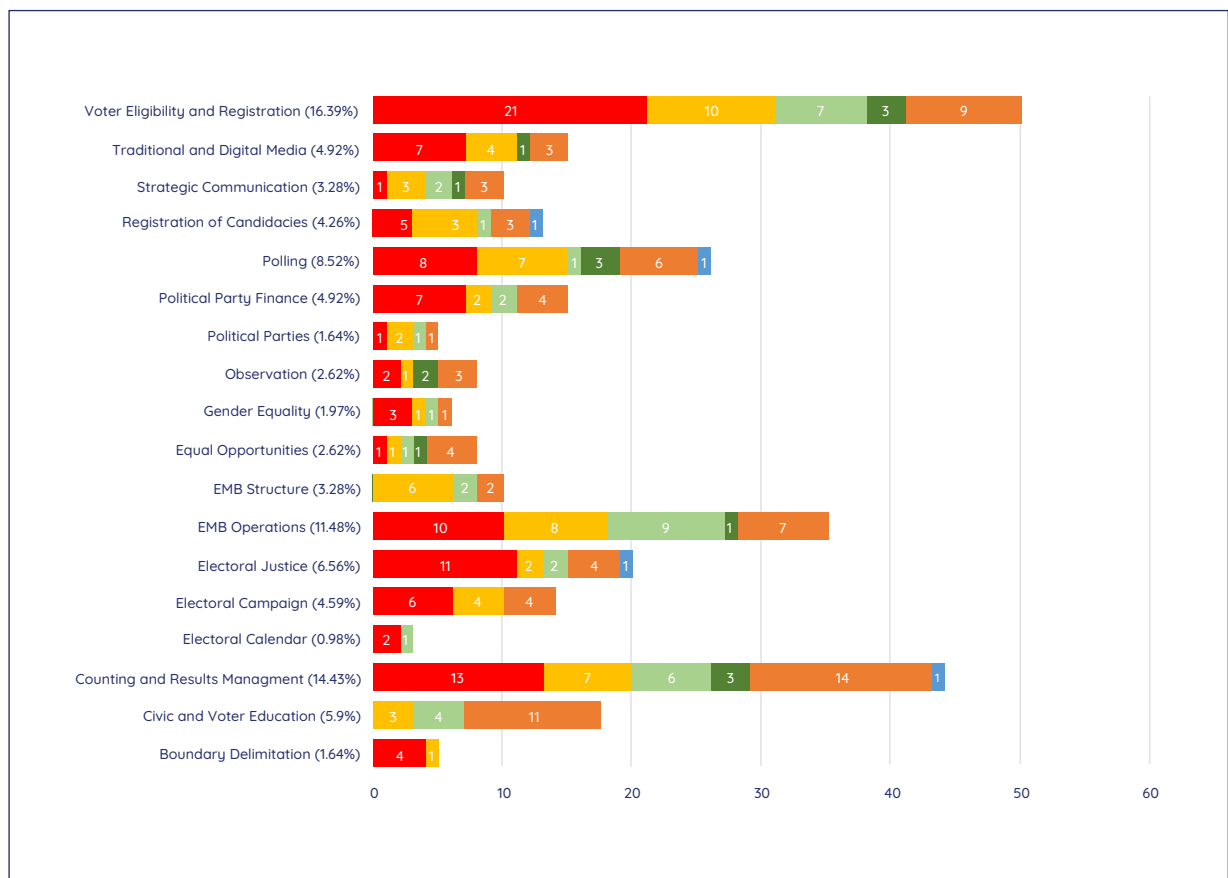


Figure 7 provides the breakdown by electoral components of recommendations requiring regulatory or operational amendments. The components that were most frequently addressed are related to voter eligibility and registration processes (16.39 per cent) and those related to counting and results management (14.43 per cent). Other interventions frequently recommended are: the operations of EMBs (11.48 per cent), polling (8.52 per cent), civic and voter education (5.9 per cent), as well as traditional and digital media and strategic communication (4.92 per cent).

Figure 7. Breakdown by electoral components of recommendations requiring regulatory and operational amendments



The electoral components referred to in this category of recommendations touch on fundamental rights; they are also long-standing areas of intervention for international long-term technical assistance projects, including those of the EU. Here, EMBs have considerable technical leverage. Technical assistance in these areas became standard practice following the adoption of the electoral cycle approach and there has been a gradual increase in the focus of technical assistance on follow-up to recommendations. Calibrated and sustained technical interventions over the long-term sometimes can achieve more than envisaged in terms of electoral integrity and this low-profile support can help in countering democratic backsliding.

Recommendations that can be addressed through regulatory or operational changes have a much higher implementation rate and offer a more immediate path for reform. This is due in part to the higher motivation that “technical recommendations” instil in EMBs or other state agencies, which are in a position to direct the reform path without having to engage (at least formally) with political parties. It is also partly due to the more efficient project programming that is possible in these domains. Technical assistance projects are generally well placed to support procedural or operational debates within EMBs and can provide concrete drafting skills to support implementation. However, only very rarely are technical assistance providers allowed to engage in more comprehensive legal reform: these appertain to the political sphere with longer incubation periods prior to adoption, and require a different type of long-term engagement with political actors. Such an approach is rarely encapsulated within technical assistance projects.

## What can be improved?

### EU EOM recommendations should remain a central feature of democracy support

Election observation mission recommendations provide a universal perspective and a long-term commitment to democratic values that transcends the deployment of future observation missions to partner countries. They should remain a point of reference irrespective of their implementation rate. The complexity of the legal reforms or political dialogue processes that follow the dissemination of the recommendations testifies to their importance for the democratic development of the partner countries and should not be seen as a symptom of limited impact. After years of refinement, there is only very limited scope for improving the formulation of recommendations, whilst there is much more room for manoeuvre in terms of consolidating the commitment of EU member states to democratic reforms and ramping up the involvement of national and regional stakeholders in the follow-up process.

### Recommendations requiring regulatory/procedural changes open up space for dialogue

The current EU democracy support toolbox is well equipped to engage partner countries on the implementation of recommendations requiring procedural or regulatory changes. This research shows that 65 per cent of such recommendations are at least discussed or considered in the immediate post-electoral period. Changes of a technical nature can be initiated by the direct counterparts of EU technical assistance projects. Such technical assistance has, also, the potential for far-reaching impact: implementation of *prima facie* “technical” recommendations, if sustained over time and

beyond the immediate procedural change itself, can suddenly open up democratic spaces. Direct linkages between EU EOM recommendations and international/regional commitments provide a rationale and a motivation for both national institutions and electoral assistance projects to engage meaningfully.

### **Technical assistance projects are not the best means of supporting legal reforms**

The EU democracy support system is not particularly effective when confronted with EU EOM recommendations that address systemic democratic deficits: the research shows that at least 61 per cent of such recommendations are not included in dialogue processes. However, it is not possible to evaluate effectively EU (and international) electoral assistance on the basis of the success of legal reforms within such a short time frame – three to four years. It is inappropriate to plan electoral assistance projects with the declared objective of supporting legal reform prior to the next elections. In other words, EU follow-up needs to recognise that legal reforms require long-term political processes. National civil society organisations are better suited to take up the advocacy challenge. Constitutional reforms require specific engagement instruments and much more layered dialogue processes. These go well beyond the scope of electoral assistance.

### **Strengthen focus on priority recommendations**

The fact that partner countries with authoritarian tendencies may not welcome political dialogues with EU delegations focussing on their sub-optimal implementation of democracy reforms must not detract EU EOMs from raising these issues. Focusing follow-up exclusively on priority recommendations addressing systemic democratic deficits is the best option. It is easier for EU delegations to advocate for a limited number of priority recommendations addressing structural deficits rather than the entire “shopping list”. The whole set of recommendations of election observers will, however, remain the benchmark against which democratic developments are measured and can be used for the early detection of hidden or slow authoritarian backslidings.

### **Leave the centre stage to national and regional organisations**

Complex or unsuccessful political dialogues centred on the implementation of recommendations may partly explain the decreasing appetite for inviting the EU to observe elections.<sup>111</sup> Irrespective of fluctuations in the number of invitations, citizen observers and credible regional organisations always remain engaged and should be supported more effectively in their post-electoral advocacy through long-term projects and political advice. The more EU recommendations shed their specific EU skin, the more likely they are to be discussed and harmonised with other observation groups and national actors. And the greater the likelihood of long-term impact.

## Conclusion

The importance of EU EOM recommendations does not reside in their implementation rate, but rather in their relevance to the democratic process for the partner country. This goes beyond a single electoral cycle. What is needed is an in-depth analysis of the implementation rate that takes this into account. The data from such an analysis could also be used more effectively to detect early signs of democratic backsliding. Despite lower implementation rates, the focus on structural democracy deficits through recommendations requiring legal changes should be maintained. They constitute an invaluable testament for the democratic forces in partner countries.

Despite the commitment of EU institutions to the implementation of recommendations, the independent political mandate under which EU EOMs operate does create a practical barrier that might at times be difficult to overcome in the ensuing political dialogue with the partner country. It is often very challenging for EU delegations to advocate for legal reforms in political contexts where there is no intention to open up the democratic space, or where the ruling party may actually be actively engaged in narrowing it down. These challenges can only be overcome if there is a long-term commitment by EU member states to democratic reforms that goes well beyond a single electoral cycle and to supporting democracy advocacy efforts by national actors.

EU EOM recommendations requiring legal reforms often fall victim to the political imperatives of the moment and risk being set aside for lower-hanging fruit that produces only cosmetic changes. This is especially likely when implementation is treated as an outcome of technical assistance rather than the result of a political process. Not all recommendations need to be included in EU assistance projects in a given country, but rather they need to be consistently inserted into long-term initiatives in order to ensure national ownership and process-oriented outcomes. At the same time, in the short-term, greater attention should be paid to technical solutions to address legal issues; this approach helps EMBs include integrity measures not explicitly ruled out by the law into the regulatory framework. It can also open up avenues for more transparent processes than those generated by political solutions.

EU EOM recommendations are the result of a unique analysis of an electoral and democratic process at a given moment in time. They identify democratic deficits, but are not necessarily the only pathway for the democratic development of a partner country, especially if they are not translated, transformed, and moulded by national stakeholders into a consequential improvement of the democratic process. Coordination among the EU components working on democracy assistance in the follow-up of electoral observation recommendations should be viewed as a long-term engagement and should relate to every credible election observation effort, and not as an obligation to implement exclusively those recommendations authored by the EU EOMs.

Domenico Tuccinardi is the Executive Director of the EDGE Foundation and serves as the Political and Electoral Participation Coordinator at EPD.

# Enablers and Challenges of EU Electoral Assistance

— Teresa Polara

## Introduction

Anchored in the EU treaties, support for democracy in third countries has long been an integral part of the EU's mission. The commitment to provide electoral assistance is reflected in the total of 895 million euros granted by the EU institutions, the member states, and other European donors in this field from 2014 to 2020.<sup>112</sup> Amid the constant dynamics of electoral cycles and in the context of broader governance support, the EU strives to respond to identified needs in a coherent way, and European development actors endeavour to join forces more effectively.

However, electoral assistance relies largely on a body of principles, approaches, and criteria developed between 2000 and 2014. Furthermore, long-term challenges in the provision of electoral assistance are compounded by difficulties arising from global trends that have emerged in the last two decades. This chapter offers some recommendations for ways to strengthen EU processes and infrastructure to better address current and future electoral assistance challenges. The chapter draws on analysis of relevant sources and data, and reflects some of the views of a focus group of eight international electoral experts.

## Electoral assistance in context

Support for democratisation, the rule of law, and the protection and promotion of human rights is a cornerstone of the EU's external action and development cooperation.<sup>113</sup> On this basis, providing electoral assistance to third countries has long been considered an integral part of the EU's mission. Yet, this objective has been challenged by some global trends that have emerged over recent years. The past two decades have been marked by democratic backsliding – a general decline in democracy levels that has also affected established democracies<sup>114</sup>. The Covid-19 pandemic exacerbated this trend, with several autocratic regimes arbitrarily using a range of Covid-19 restrictions to control political and civil dissent as well as electoral campaigns, while democratic countries unprecedentedly limited freedoms in an effort to overcome the public health emergency.

Meanwhile, autocracies are generally less economically dependent on democracies for their exports and imports than vice versa; in fact, the dependence of democracies on autocracies has doubled in the last 30 years.<sup>115</sup> In parallel, the gap between western and developing countries appears to have widened. In Africa, long-term frustrations over perceived post-colonial paternalism and infantilisation, coupled with what looks like a quest for geopolitical relevance and non-alignment,

have exacerbated anti-western sentiments and caused a distancing from universal values, including democracy.<sup>116</sup> Nine coups have taken place since 2020 in sub-Saharan Africa alone.

In this context, a decline in the frequency and timeliness of requests for electoral assistance comes as no surprise. A renewed discourse on democracy, in which the EU recognises its internal challenges and genuinely seeks mutual understanding with its partners, might help reduce the perception of a European approach of “us versus them”.<sup>117</sup>

### **The EU’s approach to electoral assistance**

EU electoral assistance is largely based on the approaches and guidelines outlined in the European Commission’s policy and working documents from the early 2000s, including the principle of complementarity between electoral assistance and election observation as parts of a two-pronged approach.<sup>118</sup> Electoral assistance, which combines technical and material support, has the potential to bring about improvements before elections take place. Meanwhile, by assessing the conduct of an electoral process and offering recommendations for its improvement, election observation provides a basis for decisions on further support.

The commission’s documents suggested criteria for electoral assistance, such as a request from the host government, adequate state funding (with possible exceptions), the general agreement of the main political parties, a sufficient timeframe, a guarantee of free movement, access to interlocutors and information, and a contribution to conflict prevention. The EU’s involvement should be guided by a strategy that enables case-by-case decisions, promotes national capacity and sustainability, and supports civil society organisations (CSOs) and national observers. Significantly, the commission recommended assessing the existence of a minimum democratic space and political will to hold genuine elections, to avoid electoral assistance being misused to legitimise a flawed process.

A set of principles for international electoral assistance was later developed through consultations among international organisations and practitioners. These principles were formally adopted in 2014 under the umbrella of the Organisation for Economic Co-operation and Development’s Development Assistance Committee (OECD-DAC).<sup>119</sup> Like the EU’s policy, the OECD-DAC principles have not been subject to recent review.

Interestingly, back in 2000, the commission also emphasised that the deployment of the EU’s resources must match its political objectives. The commission noted that the expansion of electoral assistance had not been accompanied by more or better-trained human resources, either at the EU’s headquarters or on the ground, and called for EU democracy support to be implemented by sufficient staff with appropriate experience.

At the time, and in the absence of standard cooperation agreements, collaboration between the EU and various organisations often resulted in a simple delegation of responsibility. The EU was “regarded primarily as a banker”, according to the commission, with no consideration of its policy inputs and visibility requirements.<sup>120</sup> An overarching cooperation agreement between the EU and the UN was established in 2003 and revised in 2014.<sup>121</sup> The commission and the United Nations

Development Programme (UNDP) in 2006 adopted electoral assistance guidelines that established a joint task force and outlined practical measures for cooperation; these guidelines were most recently revised in 2016.

As a key partner, the UNDP has implemented many EU electoral assistance projects, including the EU's ground-breaking 165 million euros contribution to the 2005–2007 electoral process in the Democratic Republic of the Congo. For the period 2014–2020, EU funds channelled through UNDP basket funds amounted to 149 million euros, with EU member states also often keen to contribute.<sup>122</sup> Among the reasons for this collaboration are the UNDP's long track record on electoral assistance, the advantages of pooling financial resources, and the possibility of enhanced donor coordination. What is more, when managing EU contributions to multi-donor actions, the UN can follow its own rules and procedures, making it more sustainable for the EU to support large electoral processes.<sup>123</sup>

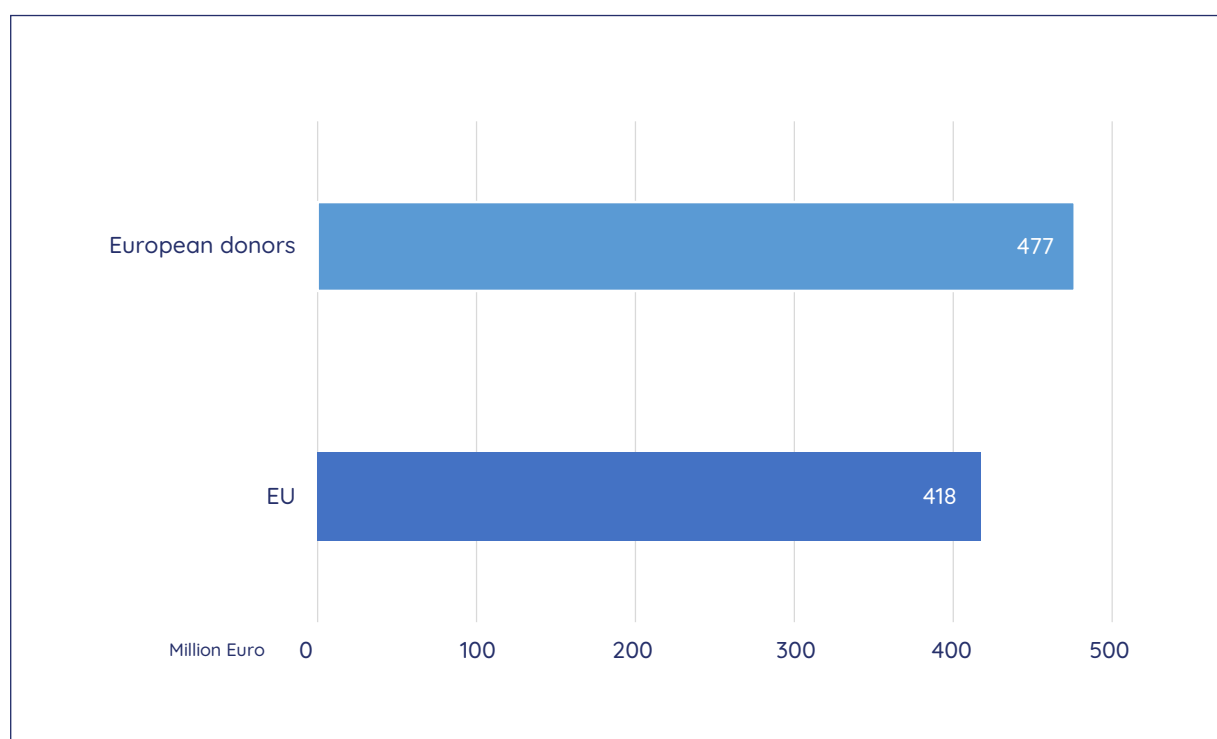
However, in recent years, recipient partner countries have shown an increasing propensity to finance and manage major electoral procurement processes under their national budgets. The consequent shift towards lighter forms of electoral assistance, combined with some dissatisfaction with UNDP management across EU delegations in partner countries, is likely to have contributed to the reduction in the overall volume of EU funding to basket funds.<sup>124</sup> Meanwhile, these basket funds have progressively widened their scope beyond strictly electoral support, and the number of EU projects implemented through the UNDP has remained stable.

Suggesting a trend towards a diversification of implementing partners, EU programmes in recent years have been run by an array of international providers, such as Democracy Reporting International (DRI), the Electoral Institute for Sustainable Democracy in Africa (EISA), the European Centre for Electoral Support (ECES), the European Partnership for Democracy (EPD), the International Institute for Democracy and Electoral Assistance (IDEA), the West Africa Network for Peacebuilding (WANEP), and some national organisations.<sup>125</sup> In some cases, member states' development agencies also implement EU-funded electoral assistance projects. Moreover, alongside basket fund contributions, EU delegations have gradually developed a practice of recruiting electoral technical assistants (ETAs), whose role is to increase the available international expertise and foster coordination between national electoral stakeholders and development partners.

Although electoral assistance might entail direct budget support, it is more often provided through projects, which vary from overall assistance to targeted support. The EU institutions, the member states, and other European donors spent a total of 895 million euros on electoral assistance from 2014 to 2020.<sup>126</sup> Nearly half of this sum was provided by the EU and slightly over half by European donors (see figure 8).

Among the EU member states, Sweden provided the most funding, with 60 million euros, followed by Germany with 51 million euros, the Netherlands with 15 million euros, and Italy with 8 million euros. As for other European donors, the UK mobilised the equivalent of 234 million euros, Switzerland 34 million euros, and Norway 28 million euros.

Figure 8: Electoral assistance funding provided by the EU and other European donors, 2014–2020



Source: “Data tool”, European Democracy Hub, <https://europeandemocracyhub.epd.eu/data-tool/>.

Between 2014 and 2020, the EU directed 64% of its support to Africa, 25% to Asia, 4% to Latin America, and 3% to the Middle East. Afghanistan received the most EU funding during that time, followed by Nigeria and the Central African Republic. Support provided by EU member states and other European donors followed a similar pattern. Sweden alone granted 31 million euros to Africa.<sup>127</sup> Several sub-Saharan African countries have been major recipients of electoral assistance since the early 2000s. However, research suggests that in 2023, the EU and its member states were less active in advancing democracy support through strategies, funding, and actions than in previous years.<sup>128</sup>

Electoral processes and cycles involve a variety of stakeholders, including electoral management bodies (EMBs), political parties, CSOs, the media, the judiciary, human rights commissions, and security and other agencies. EMBs’ critical role as the structures responsible for conducting a broad range of activities throughout each electoral cycle makes them the primary recipients of electoral assistance. CSOs are likely to be the other main recipient on account of the crucial role that a pluralist and independent civil society can play in enhancing transparency and accountability in electoral processes, conducting election observation, and promoting civic education, the protection of human rights, and the political participation of women, the youth, and minorities.

## Positive experiences in challenging circumstances

Building on the principles of development cooperation, EU electoral assistance aims to deliver effective, sustainable, nationally owned, and transparent results, albeit in complex circumstances and with somewhat limited tools. The result is a mixed picture characterised by positive lessons and experiences as well as long-term challenges.

### Developments and positive lessons

European development actors strive to join forces more effectively and combine their resources and expertise.<sup>129</sup> Several initiatives have been launched under the Team Europe approach, which focuses on working together and pooling resources to raise the EU's effectiveness and impact, including a Team Europe Democracy Initiative.<sup>130</sup> Although perhaps not yet systematically, European actors are making attempts to enhance their coordination in partner countries.

The past 20 years of electoral support, and the holding of periodic multi-party elections in several not-so-liberal countries, clearly suggest that democracy goes far beyond a single electoral event. Starting from this simple acknowledgment, the EU has increasingly designed its electoral assistance according to an electoral cycle approach that targets important pre- and post-electoral aspects as well as the long-term capacity of democratic institutions. The long-term nature of significant electoral and democratic reforms has, furthermore, highlighted the need to anchor electoral assistance in broader governance support.

In the constant dynamics of electoral cycles, the EU tries to respond to identified needs by designing and implementing electoral assistance projects in line with the recommendations of EU election observation missions (EOMs) and election expert missions as well as by taking stock of previous electoral assistance, all of which allows for a certain coherence in EU action.

Some positive lessons can be drawn from the experiences of EU electoral assistance in Tunisia in 2011 and 2014. Both programmes considered the main recommendations of EU EOMs, succeeded in building fruitful relations with the EMB and the media regulatory authority, invested in long-term institutional and capacity building beyond the electoral process, and consulted and coordinated regularly with other electoral assistance providers in an effort to avoid overlaps and maximise synergies.<sup>131</sup>

Further examples of the positive coexistence of multiple electoral assistance projects and providers are Ethiopia in 2019–2022, Zimbabwe in 2017–2021, and Nepal throughout 2008–2022. In addition to promoting coordination, the programmes in Nepal developed synergies with projects that focused on gender, peace, justice, and institution building. Designed to take into account political and language factors, the EU's 2006 project in Montenegro effectively supported the special EMB that organised a referendum on independence. Support for Armenia's EMB in 2021 contributed to restoring some trust in the electoral administration.

## Long-term challenges

The true measure of a successful election is, arguably, whether it generates broad trust in the process and its outcome. The nature, composition, and performance of EMBs are critical variables in the credibility of the process and, ultimately, in the acceptance of the election results. Attempts to categorise EMBs usually distinguish them as either independent, governmental, or mixed. Although useful, this construct carries the risk of simplifying the rich diversity of national practices. Whatever the model, an EMB should be technically capable of performing its tasks and should not favour any political entity.

However, an EMB's normative independence from the government does not necessarily translate into its actual independence.<sup>132</sup> Formally independent EMBs – arguably those that most frequently receive electoral assistance – often depend on governments for funding, and their members may lack security of tenure. EMBs can consist of politically appointed members supported by technical services that lack autonomy or capacity, which may translate into slow decision-making or the prevalence of political considerations over technical ones. Limited actual independence also makes it unlikely for EMBs to prioritise transparency and inclusiveness in electoral management or be able to promote meaningful electoral and democratic reforms in the periods between elections. All of these scenarios imply significant challenges for the providers of electoral assistance.

Access to EMBs and other beneficiaries can prove challenging, and technical assistance can be misunderstood or perceived as foreign interference. When faced with a lack of interest from beneficiaries in technical or methodological advice, electoral assistance providers might see no choice but to adapt to this reality and offer on-demand interventions devoid of strategic consistency. In addition to the risk of setting a harmful precedent, such a practice can limit the intended scope and ambition of electoral assistance.

Over the last two decades, ICT has profoundly transformed the way elections are conducted in partner countries. The introduction of increasingly sophisticated ICT solutions for important segments of the electoral process in fragile or emerging democracies inevitably poses both opportunities and significant challenges. Anchored in traditional patterns, EU support may not yet fully take into account the complex picture that such technologies paint.

Governments and EMBs often adopt complex and costly technological solutions without assessing a country's preparedness, consulting stakeholders, or conducting feasibility studies. ICT has also placed foreign tech companies at the heart of electoral processes; these companies sometimes compete with traditional electoral assistance providers without necessarily sharing the same goals and principles. As ICT users, EMBs need to rethink their internal organisation and reduce their exposure to risks such as a loss of ownership of their own systems and databases. Last but not least, ICT makes it harder for international partners to grasp technical aspects of electoral processes, which are crucial but often underestimated because of a false belief that they are separate from and less important than political aspects.

The competing motives, objectives, and practices of different providers can pose challenges and generate tensions to the detriment of effective electoral assistance.<sup>133</sup> Like other international players,

the EU builds its development cooperation on partnerships and joint programming agreements with recipient countries and strives to engage in political and policy dialogue with national authorities. A complementary, rather than competitive, interpretation of the mandates of different development partners creates alliances that may be conducive to democratic reforms.<sup>134</sup>

The commission's tendency to externalise needs assessments, strategies, and project formulation and follow-up can also be a challenge. Elections are the product of an intricate combination of political, technical, legal, socio-economic, and cultural factors. More in-house electoral expertise could enhance the EU's ability to select efficient implementing partners, assess the relevance and quality of proposed interventions, independently align planned interventions to the political context, ensure institutional memory, and reduce reputational risks. Investing in human resources might also benefit EU policy development and help change the perception of the EU as merely a donor. Strengthening electoral expertise both at headquarters and in the field would also be consistent with the commission's pledge to see EU democracy support handled by sufficient experienced staff.<sup>135</sup>

Some limitations are related to project cycles. Electoral assistance projects can face political instability, a lack of decisive action by regional bodies, and repeated postponements of electoral calendars. Adjusting programming or ongoing projects to the fast-changing political realities in partner countries, for example by providing sufficient and timely funding, can prove challenging. Furthermore, elections held prematurely, without adequate inclusion or transparent procedures, can easily exacerbate violence. Additionally, according to the financial rules of the EU's external aid, contractors can recover at most 7% of their total eligible incurred costs for an EU project, a cap that is sometimes regarded as limiting the choice of quality implementing partners.<sup>136</sup>

Finally, despite having progressively expanded in recent years, electoral assistance continues to suffer from a relative disconnect from issues that have great repercussions on democratic processes. Examples include the crucial and complex questions of civil registration, identity, and citizenship or the vast and often overlooked theme of basic education as a necessary enabler of informed participation.

## Democracy dialogues and other measures

The adoption in 2021 of a unified, policy-driven financial instrument for the EU's external action suggests a shift towards a greater emphasis on policy dialogue.<sup>137</sup> Arguably, for dialogues to be effective and contribute to shaping national agendas, the EU institutions and the member states need to speak with one voice and, possibly, find alignment with like-minded countries. As it develops further, the Team Europe approach might increase European leverage in democracy dialogues.

Multi-donor support can offer enhanced coordination and, potentially, foster alignment with national priorities, leading to democratic reforms, especially when the UN and the EU embrace the similarities of their mandates and work out complementary ways to fulfil them.<sup>138</sup> Furthermore, donors' contributions to UNDP basket funds may target electoral assistance activities on matters that are priorities for them, such as civic and voter education, gender equality, or the effective participation of women and the youth.

The incentives of financial and technical assistance are sometimes accompanied by requirements on the disbursement of funds. In an effort to promote good governance, best practices are rewarded via increased financial support. While conditionality can drive reform, it is inevitably a sensitive tool that shines a spotlight on the delicate issue of national sovereignty. In the context of EU electoral assistance to Chad, in 2019 the EU included preliminary measures in its action document and its contribution agreement with the UNDP. These measures, whose evolution was monitored via indicators, did not sufficiently materialise over time, preventing a substantial disbursement of funds.

Particular turns of events can also lead European actors to put electoral assistance on hold.<sup>139</sup> Following the 2023 general election in Zimbabwe, for instance, the EU suspended its funding to the UNDP-managed project that supported the country's EMB because of transparency concerns.<sup>140</sup>

## Priority recommendations

The following actions at the international level, at the EU level, and in partner countries could help strengthen processes and infrastructures in EU and member state systems to better address current and future electoral assistance challenges.

### International practice and principles

At the international level, the EU should:

- Seek complementarities across the mandates of different international organisations and systematically implement the Team Europe approach. Doing so would not only be more conducive to democratic reforms and foster policy dialogue but also help overcome the sensitive issue of national sovereignty.
- Consider a renewed dialogue on democracy with partner countries that includes recognition of respective internal challenges. In a worsening international context for democracy promotion, this could help reduce the widening gap between developing and western countries and the perception of a European approach of “us versus them”.
- Consider advancing EU electoral assistance policy, and rekindling global consultations to redefine OECD-DAC international principles on electoral assistance in light of current and emerging issues. This would allow for a better alignment of policy, principles, and practice as well as foster effective electoral assistance efforts.

### EU-level responses

At home, the EU should:

- Evaluate existing standard agreements and consider bringing forward an innovative financial framework partnership agreement (FFPA) between the EU and international organisations active in electoral assistance. Such an agreement should introduce a competition-based system among providers and include mechanisms for rapid responses to identified needs and the allocation of adequate funds. This could increase the quality of cooperation between implementing partners and EU delegations as well as feed into political and policy dialogues.

- Consider strengthening its in-house electoral expertise to improve the EU's ability to select efficient implementation partners, assess the relevance and quality of proposed interventions, ensure institutional memory, align planned interventions to country-specific contexts, effectively integrate EU policies, and mitigate reputational risks.

### EU responses in partner countries

In partner countries, EU delegations should:

- Increase their preliminary work with prospective beneficiaries to fully understand mutual expectations and identify realistic possibilities for collaboration. This would greatly improve the effectiveness of project implementation and help avoid the perception of imposed electoral assistance.
- Consider recruiting ETAs tasked with providing direct support to electoral stakeholders and enhanced coordination, especially when EU delegations manage large programmes. This would increase the international expertise available to stakeholders, provide technical analysis, and foster coordination between electoral stakeholders and development partners.
- Promote the visibility of national partners and beneficiaries over that of the EU. This is important to encourage national ownership and improve the perception of development actors in partner countries.

### Conclusion

Electoral assistance is part of the EU's and the member states' long-standing commitment to supporting democracy in third countries. In a context marked by challenging global trends, European development partners strive to join forces, ensure coherent action, and design electoral assistance as part of broader governance support. Yet, EU electoral assistance still largely relies on a set of principles and approaches developed between 2000 and 2014 and is hampered by a range of long-term challenges.

Moving forward, reflection seems necessary, and with it the search for a direction that allows European development actors to face long-standing and more recent challenges. Priority actions at the global level, such as reviewing and advancing EU policy on electoral assistance, strengthening the EU's in-house electoral expertise, and bringing forward an innovative, competition-based FFPA open to relevant international organisations, would make an important difference in terms of aligning policy and practice as well as enhancing the effectiveness and consistency of the EU's democracy support. Further priority actions in partner countries, including deepening preliminary work with prospective beneficiaries and systematically implementing a Team Europe approach, would also improve not only the effectiveness of the EU's and the member states' project implementation but also national actors' perceptions of development partners.

Teresa Polara is an election and democracy support specialist. She has worked in various roles and capacities for the EU, the UN, the OSCE and other organisations, in Europe and in several developing countries.

# Programming EU and US Technical Electoral Assistance

— Manuel Wally

## Introduction

The past decade has seen significant democratic backsliding and declining public trust in electoral processes.<sup>141</sup> At the same time, European democracy support budgets are shrinking, even if the overall number of European Union (EU) projects in the sector remains stable. EU electoral assistance priorities have shifted from ‘hard’ operational and procurement support to ‘soft’ support fostering inclusion of youth and of marginalised citizens, as well as gender equality.<sup>142</sup>

The European Commission (EC) Communication 2000/191 states that election observation and electoral assistance “should be considered and programmed in a complementary manner.”<sup>143</sup> While the EU adjusts election observation priorities every six months in order to respond rapidly to emerging imperatives, the EU continues to programme democracy assistance only once each development funding cycle, thereby precluding effective complementarity or synergy between electoral observation and assistance.<sup>144</sup>

The European Union’s new Global Gateway format divides into five key partnership areas, none of which encapsulates democratic governance.<sup>145</sup> This approach orphans EU democracy assistance and is bound to further diminish EU democracy funding. The EU could mitigate this trajectory by creating a standalone modality to address multiple concerns. A standalone approach: 1) could do more with less because it would reduce waste by aligning technical electoral assistance timing with the beneficiary country’s electoral cycle; 2) would speed up contracting procedures through specific calls for proposals and thereby allow swift responses to unforeseen political events; 3) would ensure flexibility to shift between hard technical support to election management and soft support to civil society organisations at any phase of the project; and 4) would ensure synergy and complementarity between EU election observation and technical assistance.

To explore options for such a standalone modality, this contribution compares the current EU and USAID approaches to democracy assistance. The world’s two largest democracy donors, the United States and the European Union, have very different modalities for funding democracy assistance. The strengths and weaknesses of the two approaches are compared below.

## The current situation

The United States Agency for International Development (USAID) maintains a centralised Bureau for Democracy, Human Rights and Governance in Washington DC (DRG).<sup>146</sup> The DRG Center periodically tenders a Leader with Associates Award (LWA) to a consortium of international NGOs, specialised in supporting electoral management bodies, civil society, political parties, media, and the justice sector. The USAID DRG Center administers the LWA award at headquarters throughout each award cycle.

Several consortia compete every five or six years for the LWA award at a maximum amount of 835 million dollars. Members of the winning consortium pre-qualify to compete with each other under specific Notices of Funding Opportunity (NOFOs). This arrangement allows USAID missions in-country to initiate, apportion, and fine-tune democracy assistance in line with beneficiary-country demand at any given point in the funding cycle. The current LWA holder is the Consortium for Electoral and Political Process Strengthening (CEPPS),<sup>147</sup> which associates the International Foundation for Electoral Systems (IFES), the National Democratic Institute (NDI), and the International Republican Institute (IRI).

LWA interventions can be staggered and thereby flexibly shifted between Electoral Management Bodies (EMBs), civil society, political parties, and the media. USAID missions in-country can, for instance, support a CEPPS member to support an EMB at the beginning of the funding cycle, but if the EMB loses interest in technical assistance, it can shift that support to another consortium member mid-cycle and support civil society organisations, political parties, or even international election observation instead. USAID missions in-country receive support from USAID's DRG bureau in designing, tendering, awarding, and evaluating NOFOs. As the LWA is a global instrument, funds can be shifted between continents, sub-regions, and countries to respond to demand at any point of the LWA cycle.

In contrast, the European Commission maintains a much smaller democratic governance footprint in headquarters at the DG International Partnerships (unit INTPA.G.1). The technical electoral assistance focal point in Brussels advises EU delegations in the field when they formulate, contract, administer, and evaluate democracy assistance.

In 2021, several EU funding streams for democracy assistance were consolidated into the global Neighborhood, Development and International Cooperation Instrument "Global Europe" (NDICI-GE), which makes democracy funding geographically interchangeable.<sup>148</sup> Each project's timing and duration, however, remains locked into the EU Multiannual Financial Framework cycle of seven years, while EU field staff in hardship posts often rotate every two or three years. Moreover, any funding remains dependent on a complex comitology cycle.<sup>149</sup> The rigid NDICI funding cycle, like its predecessor the European Development Fund (EDF), remains unresponsive to time-sensitive democracy assistance needs. Once a Multiannual Indicative Programme (MIP) is defined, democracy assistance programming cannot readily adapt to shifting political contexts and the volatility of electoral democracy in developing countries.

The EU maintains Financial and Administrative Framework Agreements (FAFAs) with United Nations (UN) agencies, as well as agreements with pillar-assessed international organizations, such as International IDEA. Such most-favoured conduits have attracted the bulk of EU democracy funding. Because of the relative administrative ease of FAFAs and direct contracts, most EU delegations opt for this approach and thereby waive competitive procedures when awarding democracy funding – an unintended dynamic that has raised the cost – and arguably detracted from the effectiveness of EU democracy assistance.

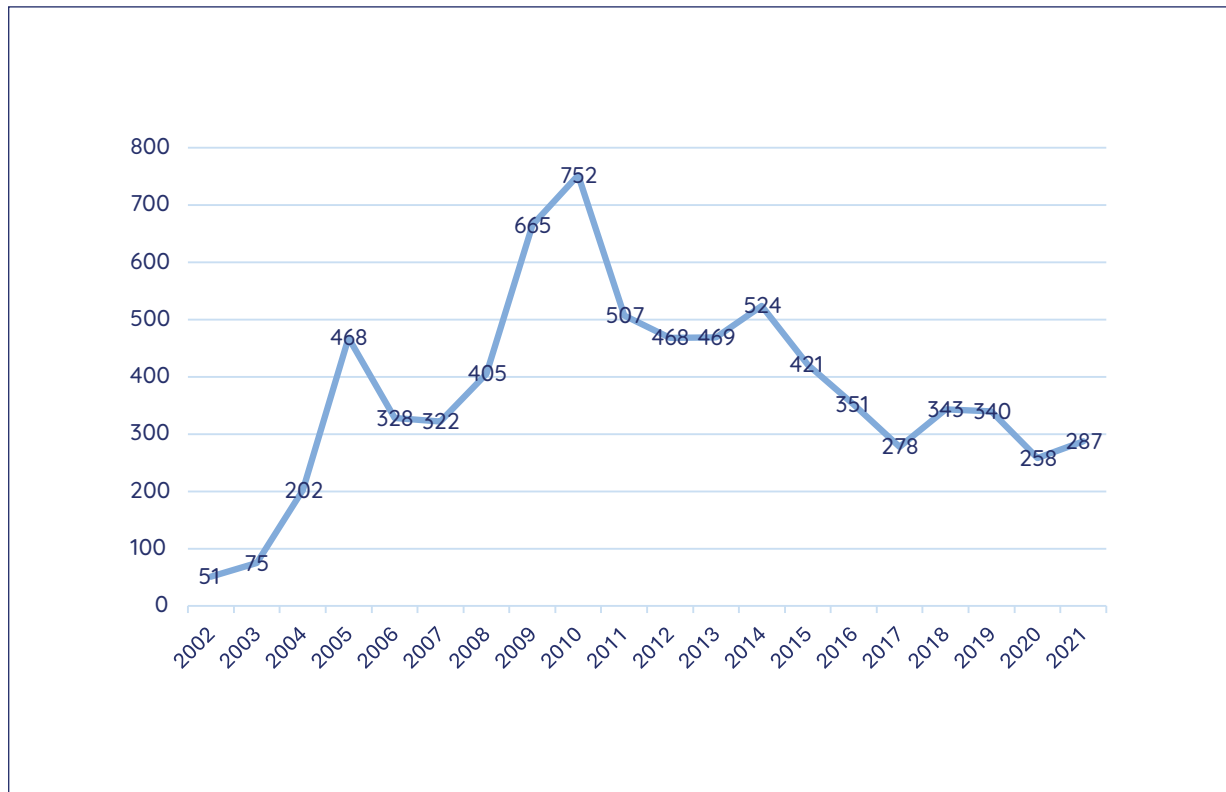
The predilection of EU delegations for non-competitive awards has several drawbacks: 1) the NDICI comitology timeframe, as well as the long and rigid EU funding cycles, misalign with the beneficiary's electoral cycle, so that funding often arrives late for critical electoral milestones, while costly project structures have to be maintained throughout low-demand periods; 2) non-competitive awards can be costlier and bulkier than more tailored competitive awards; 3) preexisting UN agency project documents often follow outdated UN Electoral Assistance Division needs assessments and not EU priorities such as EU EOM recommendations; 4) the UN leadership in-country is often more beholden to the government of the day than to democracy priorities, which are not always enshrined in UN development programming agreed with the government;<sup>150</sup> and 5) when contributing to preexisting projects without a competitive process, the EU lacks leverage in the selection of project personnel, with the result that some project managers do not feel accountable to EU delegations.

This contribution will show that the USAID LWA modality mitigates some of the inherent weaknesses of the current EU approach to democracy assistance. Since at least 2013, the EC has been operating a specific call for proposal modality akin to the USAID's LWA: the Financial Framework Partnership Agreement (FFPA).<sup>151</sup> FFPAs have already been successfully rolled out for EU humanitarian assistance, civic space, and media support. Opening the FFPA modality to democracy support would make the FFPA a turn-key solution for EU delegations in the field.

## Global electoral assistance funding

Since the waves of democratization in the 1990s, European and North American donors have provided the overwhelming majority of international democracy assistance – including technical electoral assistance. The figure below shows that OECD<sup>152</sup> member state electoral assistance peaked in 2010, but has since steadily declined to just over a third of the 2010 allocation:

Figure 9. Electoral assistance from OECD member states in millions of US dollars throughout 2002-2021.



By way of comparison, the cost of a single electoral event in Italy, France, or Germany tops the overall amount all OECD countries allocate collectively to support elections worldwide.

### European Union electoral assistance

EU democracy funding generally flows from the NDICI's crisis response pillar<sup>153</sup> or, more often, from country programme envelopes that follow three- to four-year cycles.<sup>154</sup> Electoral assistance funding is sometimes bundled with justice, security sector, civil registration, or with civil service reform programme formulation. Despite this joint formulation, synergy between voter and civil registration has rarely materialised – to the detriment of both voter and civil registration sustainability.<sup>155</sup>

The process of committing EU democracy funding under country programmes through the comitology process sometimes delays funding disbursement by more than eighteen to twenty-four months. And even when EU democracy funding is approved in a timelier fashion, the three- to four-year NDICI<sup>156</sup> cycle often misaligns with the beneficiary country's electoral cycle. More often than not, EU funds are disbursed to implementing partners shortly before election-day – or just after elections – once the window for aid effectiveness has closed.

EU election observation is channelled through a thematic EU Human Rights and Democracy Multi-annual Indicative Programme (HR&D MIP), consuming about 25 percent of this MIP's 1.58 billion euros over its seven-year cycle. Meanwhile, only a very negligible portion of this thematic MIP flows to

technical electoral assistance. Over the seven-year MIP period, only four countries<sup>157</sup> have drawn on this envelope because of particular MIP features: HR&D MIP funding must be implemented through grants to non-profit organisation or specialised national institutions (international organisation are excluded, unless the Director of the Directorate General (DG) for International Partnerships Directorate G - Human Development, Migration, Governance and Peace (INTPA.G) grants a waiver); HR&D MIP country envelopes (60% of the 1.58 billion euros) are too small to cover election technical assistance; and “direct” electoral expertise is procured through service contracts, which are not allowed under the HR&D MIP without waiver.

When EU delegations develop four-year electoral assistance programming, amounts allocated under the country programme can no longer be increased or reduced to respond to shifts in beneficiary demand. Once the Commission Implementing Decision<sup>158</sup> is approved, programming can no longer be substantively modified. This three- to four-year immutability incentivises implementing partners to adopt a “supermarket” approach to project formulation. Under the supermarket approach, concurrent EU, UN and US-steered projects all profess to deliver the same exhaustive menu of overlapping outputs, regardless of beneficiary need or demand. The supermarket approach aims to maximise implementing partner flexibility, but it also duplicates efforts and engenders competition between implementing partners over which implementer ultimately executes each overlapping task.

Once EU technical electoral assistance funding is released to an implementing partner, EU delegation project managers in the field can no longer adjust or calibrate programming to rapidly shifting political contexts and electoral economies, such as unanticipated international procurement needs when a partner country’s foreign currency reserves run out.<sup>159</sup> Furthermore, when electoral assistance funding is paid into implementing partner basket funds, the EU can rarely earmark its contributions for priority activities teased out in EU political and policy dialogues.<sup>160</sup> Nor can the EU weigh in on the selection of most implementing partners’ project staff, so that some project managers feel unaccountable to EU delegations.

The fixed cyclical timelines of EU external aid blunt swift responses to unforeseen political events, such as unconstitutional changes of power, snap elections, or unexpected calls for local elections (which are critical to bringing democracy closer to citizens and make it accountable to deliver services locally). The current EU aid structure cannot keep pace with shifting democratic transition or civil conflict timelines.

A recent evaluation of EU-UN cooperation studied context-specific disparities in outcome, finding that “[w]hen the EU and UN are turning this same mandate [political dialogue with the government] into a strength, creating alliances for democratic reforms, it only makes election assistance more efficient, as was the case in Zimbabwe during the period 2017-2021 or in Ethiopia 2019-2022. When this common mandate is understood as a competition, it generates tensions that are not conducive to efficient election assistance (Central African Republic 2015-2021, Guinea 2013-2016, Mali 2018, Madagascar 2019, Liberia 2018).”<sup>161</sup>

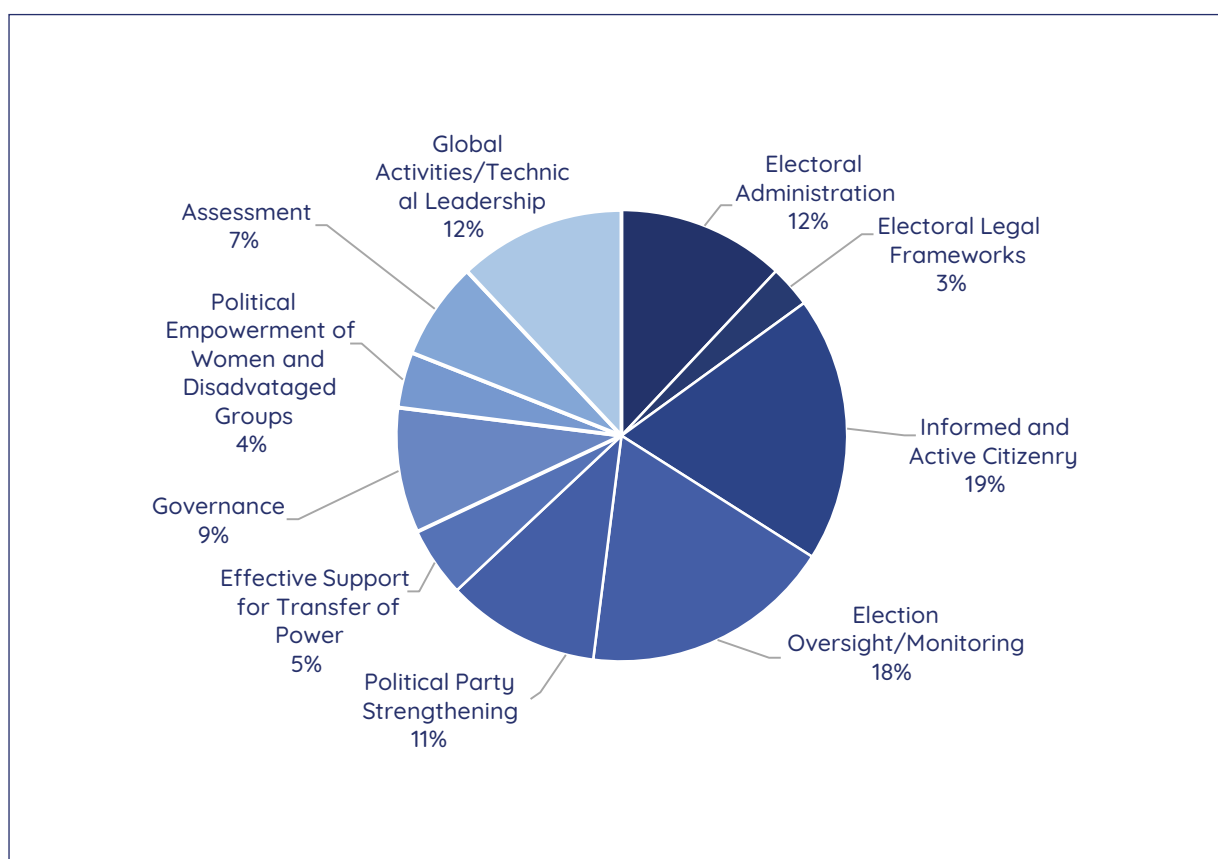
## US electoral assistance

USAID regularly adapts and modernises its approaches to electoral assistance, evolving from an early focus on the development of political parties and the observation of elections in the mid-1980s to more integrated programming that cuts across citizen-responsive governance, the rule of law, civil society, stabilisation, media, and human rights.

Every five to six years, the USAID Democracy, Human Rights, and Governance Center (DRG Center) awards a global Leader with Associates Award (LWA) to a consortium of specialised democracy support organisations.<sup>162</sup> Within this consortium, leader and associate member organisations compete for country-specific grants through Notices of Funding Opportunity (NOFOs) throughout the four- to five-year consortium award.

Whereas the EU entrusts electoral assistance through standalone often non-competitive direct contracts to one main implementing partner in each country (mostly the United Nations Development Programme - UNDP),<sup>163</sup> USAID pre-selects a full array of highly specialised implementing partners through the LWA to deliver its electoral and democracy support worldwide for a full funding cycle. Under this LWA, USAID missions in the field can, at any given time of the LWA, competitively select specialised LWA consortium members à la carte to implement projects customised to each country context and electoral cycle challenge through Notices of Funding Opportunity (NOFO).

**Figure 10. Consortium for Electoral and Political Process Strengthening Programs by objective<sup>164</sup>**



Over the past twenty-five years, the CEPPS has secured the LWA award five times in a row. CEPPS has succeeded in dominating the LWA because it associates IFES, NDI, and IRI, the US organisations with the longest experience in supporting election administrations, civil society organisations, and political parties.

During the 2015-2022 LWA, CEPPS implemented twenty-five rapid response projects as well as twenty sub-grants to local democracy support organisations, and sixteen technical leadership projects.

The present LWA (2023-2028), also awarded to CEPPS, covers a maximum amount of 835 million dollars. It offers three types of granting modalities: (i) rapid and flexible response typically lasting less than one year for a budget less than one million dollars, (ii) targeted interventions to address elections and political process challenges, including but not limited to conducting feasibility studies, implementing stakeholder dialogue processes, deploying short-term international observations, or conducting a short-term training or technical assistance programmes, and (iii) technical leadership: best practices and lessons learned.

Recent evaluations of USAID's modalities further support the choice of an LWA because of the (1) flexibility of the instrument, (2) the ease and speed of use, and (3) the adaptability to local focus when appropriate and desired.<sup>165</sup>

## Comparative strengths and weaknesses

USAID's LWA format offers a number of distinct advantages when compared with the European Union's mechanism of supporting elections and democratic processes through its Neighborhood, Development, and International Cooperation Instrument (NDICI).<sup>166</sup>

- The LWA can be used globally, whereas the NDICI applies only to generally eligible countries where democratic governance activities are foreseen in the EU country programme.
- The LWA has a globally applicable emergency rapid response funding mechanism, whereas the EU would need to fall back on crisis response envelopes of the NDICI's third pillar, available only in conflict or post-conflict countries.
- The LWA draws from a global fixed amount that can be shifted ad hoc between countries to meet demand and/or need, whereas the NDICI immutably fixes the amount for each country at the beginning of each funding cycle and cannot adjust it throughout the funding cycle to respond to shifting demand.
- LWA funding does not need to be committed at the beginning of each funding cycle, but can be delayed, adjusted and/or apportioned in accordance with the beneficiary country's electoral cycle and/or requests.
- The LWA underwrites both democracy assistance and international election observation, allowing for synchronisation, complementarity, and synergy, whereas the EU plans international election observation and democracy assistance in separate asynchronous cycles.
- The LWA can underwrite global or regional research and knowledge products, whereas NDICI funding must be allocated under country envelopes.
- Mobilising LWA funding can be swifter, since providers are already pre-qualified and selected, including specialised associate consortium members, whereas the EU needs to apply its comitology in order to allocate funding to a relevant beneficiary country.

- As part of the CEPPS consortium, different entities provide separate support to the electoral administration (through IFES), and to civil society organisations, election observation networks and political parties (through NDI and/or IRI) – all actors which are often critical of the election administration. Therefore, the election administration can maintain its trust in IFES even when IRI/NDI beneficiaries criticise the EMB. In contrast, the EU often bundles funding for the election administration with funding for citizen election observation. This approach works where the election administration maintains good relations with citizen observers and political parties, such as in Ethiopia, but it makes it near impossible for the EU implementing partner to sustain its EMB support in other contexts, such as in Mozambique.
- Once technical electoral assistance funding is released to an implementing partner, EU delegation political dialogue in the field can no longer adjust or reapportion technical assistance programming to changing political contexts.
- When electoral assistance funding is paid into implementing partner basket funds, the EU is rarely allowed to earmark its contributions for defined activities. Conversely, USAID field missions can micromanage work plans by simply issuing fresh NOFOs or associate awards.
- Once an implementing partner is selected, the EU lacks leverage in the selection of the implementing project staff, while USAID can request project personnel changes throughout the life of LWA awards.

The current European Union elections and democracy funding modality has certain advantages over the USAID LWA modality, notably:

- The EU's NDICI can choose from a wider field of competing implementing partners than USAID under CEPPS, as each EU delegation has at least the theoretical option to resort to unrestricted international tenders.<sup>167</sup>
- The EU can support elections and democracy through the UN system where beneficiary countries deem that a European implementer might be partial, whereas USAID would need to mobilise funding from outside the LWA envelope to award to the UN system.
- The EU pays only 7 percent indirect project cost,<sup>168</sup> while USAID pays much higher CEPPS consortium and implementing partner overheads.

Manuel Wally has over 15 years of professional experience in civil society, democratic accountability and elections in over 50 countries across six continents.

# The Roles of Civil Society and Electoral Management Bodies in EU Electoral Assistance

— Dr Adina Borcan

## Introduction

The European Union (EU) supports its partner countries to promote and safeguard electoral integrity around the world through various forms of assistance. These EU-funded technical assistance projects in this area can take two forms: supporting and financing activities conducted by civil society organisations (CSOs) and working with official electoral management bodies (EMBs). These two strands are not mutually exclusive, as their roles in elections are complementary. Successful cooperation between the EU and EMBs requires both the EU's interest and ability to support the bodies and the latter's willingness to receive this support. As for CSOs, they have an ever-present need for funding. Working with CSOs can sometimes be easier and offers certain outcomes with a different kind of added value from working with EMBs.

It is important to note that the political, social, and security context of the beneficiary country plays an important role in terms of whether and how the EU should engage in electoral support. In volatile or unstable contexts, EU projects may face more obstacles and risks, requiring careful planning, strategic management, and sometimes inventiveness to navigate the complexities and achieve the desired outcomes.

This contribution draws on interviews with representatives of EU delegations and CSOs as well as experts involved in technical assistance from the Democratic Republic of the Congo (DRC), The Gambia, Haiti, Madagascar, Nigeria, Sierra Leone, Tanzania, Tunisia, Uganda, and Zimbabwe. According to the Economist Intelligence Unit's Democracy Index 2023, all ten countries are either hybrid or authoritarian regimes.<sup>169</sup> As such, each of these cases represents a political context where support for democracy and electoral integrity is, by its very nature, complex and challenging.

## Activities carried out by civil society

The main focus of EU electoral support for CSOs is to provide resources to allow civil society groups to pursue a range of activities: organise and carry out citizen election observation missions; promote civic education; conduct outreach to women, youth, minorities, and other vulnerable groups to increase their political participation; prevent and mitigate electoral violence; hold public debates and dialogues; engage in capacity-building exercises and training; establish election situation rooms; carry out parallel vote tabulation and media monitoring; and organise training for journalists and political party members.

Through various programmes, the international community has gradually become more interested in and aware of the need to support CSOs to cover the entire electoral cycle, not just election day. Experience shows that the impact of CSOs can be limited if they do not remain engaged throughout the whole electoral process. By staying involved, citizen observers can raise the profiles of their organisations and build relationships with key stakeholders, such as government officials and representatives of political parties and international organisations. Observers can leverage their findings and recommendations from previous elections to advocate long-term electoral reforms. This continuity ensures that the lessons learned from previous observations are not lost and can be used to push for sustainable changes in electoral frameworks and practices. By closely monitoring the entire process, observers can identify gaps and challenges and propose necessary changes.

Based on a questionnaire sent to interviewees in the ten countries, most respondents consider that most important role for CSOs is monitoring election violence, followed by advocating electoral reforms. These priorities can lead to increased attention from decision-makers and, potentially, greater funding for action in these areas. In this context, donors such as the EU and the United Nations (UN) have sought to maximise the potential for comprehensive, long-term electoral observation missions by citizen observers, with the simultaneous goals of strengthening observers' technical capacity, improving their methodologies, and helping them become financially sustainable. These efforts are usually pursued in parallel to support for EMBs. But while EMBs have state budgets at their disposal, which may or may not be sufficient, CSOs remain hampered by the difficulty of obtaining funding for long-term observation missions.

## Advantages of working through local CSOs

There is no one-size-fits-all approach to electoral assistance, and the EU's involvement in different projects with CSOs or EMBs varies depending on the circumstances. It is crucial for external actors to assess the local context, engage with relevant stakeholders, and tailor their approach accordingly. However, working through local CSOs can bring unique advantages and generates a distinct kind of added value in certain situations.

CSOs often have a deep knowledge and understanding of the local context, culture, and political dynamics. They have established networks and relationships with local communities and can navigate complex social and political cleavages effectively. This local knowledge can be crucial for successful election assistance.

CSOs also have the potential to better mobilise and engage with local communities at the grass-roots level. Civil society groups can conduct voter education campaigns and promote civic participation in communities across the electoral map. While such activities can also be conducted by EMBs, the local branches of EMBs – if they exist – may not have the logistical, human, or financial capacity to cover all the needs associated with local mobilisation. The presence of CSOs on the ground can help ensure that civic and voter education reaches those who need it the most.

Civic groups are also generally more flexible and adaptable than government institutions. EMBs often operate within legal frameworks that limit their flexibility. Electoral laws and regulations may restrict

their ability to make changes or adapt to emerging circumstances during the electoral process. CSOs, by contrast, can respond quickly to challenges and adjust their strategies accordingly. This is particularly important in dynamic and rapidly changing electoral environments.

It is also important to underline that CSOs often have a strong focus on accountability and transparency. They can monitor electoral processes, report irregularities, and advocate for meaningful electoral reforms. The involvement of CSOs can support the conduct of elections in a free transparent manner. Sometimes, EMBs do not have transparent financial management systems with clear reporting mechanisms and audits. The levels of transparency, credibility, and independence of an EMB play an important role in determining the level of trust accorded to EMBs by international and national partners.

CSOs are often seen as more independent and impartial than government institutions. Civil society groups can help build trust and legitimacy in the electoral process by engaging with local communities and representing their interests. This can increase voter turnout and participation in elections. Of course, identifying suitable partners for support can be challenging, given the existence of both politicised CSOs and government-organised non-governmental organisations (GoNGOs).

Finally, CSOs play an important role in promoting and nurturing reforms, which is crucial for a thriving society. They have deep knowledge of the political and institutional decision-making landscape as well as the evolution of this landscape over time. This knowledge allows CSOs to engage strategically with key stakeholders, mobilise support, advocate democratic reforms effectively, and provide constant monitoring. Civil society groups usually have a permanent presence in the country – unlike international observers – which gives them the ability to lobby not only on their own behalf but also for necessary reforms.

## Challenges of working through local CSOs

Despite the clear advantages of supporting CSOs in a range of electoral activities, the EU and other donors have also faced challenges in doing so. Sometimes, the context of the beneficiary country can be volatile and unstable, requiring adaptability and flexibility in terms of procedures and actions – which is often difficult for donors. Some states may not have the capacity to guarantee certain rights and freedoms, in particular the freedoms of association, assembly, and expression. These are necessary to create conducive conditions for CSOs to exist and operate within a normative framework that complies with international human rights principles and good practice. And several countries have actively sought to undermine the work of independent citizen observers. At the beginning of May 2024, the government of Chad failed to allow nearly 3,000 civil society members (under a project financed by the EU) to gain accreditation to observe the presidential election.<sup>170</sup> The governing regime in Mali also recently denied citizen observers their rights to observe the electoral process while other countries have sought to intimidate or jail observers, such as the governments of Uganda and Zimbabwe in recent years. In all cases, the contribution of CSOs to the transparency of the electoral process was blatantly blocked.

As for the CSOs themselves, not all have the capacity to conduct election support activities that meet the highest ethical standards of impartiality and accuracy – with a rigorous methodology. Likewise, some CSOs face challenges in respecting project requirements and fulfilling donor expectations.

Another important challenge relates to the financing of election observation. Although citizen election observation is fundamentally a voluntary activity for individual observers, there are costs for organisations engaged in this activity: transport, communications, salaries, and training. Funding is the biggest concern and one of the most frequent sources of tension in observer organisations and networks. According to a report by the ACE Electoral Knowledge Network, “the growing trend is for national observers to be funded by foreign donors’ democracy support programmes”.<sup>171</sup> Some interlocutors mentioned a tendency among CSOs to see donors, including the EU, as permanent funding sources that are always willing and interested in providing financial resources.<sup>172</sup> As a consequence, volunteering has turned into a perpetual feature of election observation activities.

While certain CSO representatives raised concerns about the influence of EU assistance on the independence of EMBs, others questioned the EU’s backing of electoral institutions that they perceive as lacking sufficient legitimacy. Some CSOs are apprehensive that international support could confer credibility on institutions in which they do not have faith. And both sides acknowledge that transparency, accountability, and robust follow-up mechanisms would go a long way towards addressing these concerns.

Along with funding, limited capacity is another main obstacle to citizen observer organisations realising their full potential. CSOs need a strong understanding of electoral laws and regulations as well as the ability to accurately analyse and report on the various aspects of the electoral process. Capacity building is therefore necessary to ensure that electoral observers are well equipped to carry out their duties.

Projects that engage CSOs in the prevention and mitigation of electoral violence have been found to be highly effective in post-crisis countries.<sup>173</sup> Interlocutors said that it was useful to provide resources to CSOs in countries where democracy is at risk of significant deterioration, but the impact of these resources depends on the moment in the democratisation process at which the project is implemented. If a project is carried out during the first election after a country returns to democracy, for example after a coup, civil war, or long dictatorship, then the approach and needs are different from those of a project implemented in the fourth or fifth election after initial democratisation. This goes for both CSOs and EMBs. EU delegations are best placed to determine which instrument and which approach are most appropriate for each country context.

## Country-specific findings

Of the ten countries included in this research, four offer particular insights into how and when to make EU support not only more efficient in terms of results, visibility, and impact but also easier to implement in a given context.

## The Democratic Republic of the Congo

In recent years, there has been a rise in anti-Western rhetoric from some African nations, targeting both the EU and the United States. This rhetoric can manifest itself as explicit or implicit refusals of EU support for state institutions, as seen in the Democratic Republic of the Congo (DRC) and Tanzania.

The DRC is the perfect example of a country where tensions between the EU and local authorities had an impact on institutional support and allowed CSOs to take advantage of the situation. Through technical and financial electoral programmes, the EU has, since 2006, supported election stakeholders such as: candidates and representatives of political parties; national authorities, including EMBs and institutions in charge of election dispute resolution; and civil society, through media projects, work to prevent electoral conflicts, election observation activities, and voter education.

However, diplomatic tensions arose between the EU and the DRC authorities following violent events during the last term in office of former president Joseph Kabila, when the authorities used disproportionate force against people exercising the freedoms of peaceful assembly and expression. As a result, EU support for the DRC's 2018 general election focused mainly on strengthening the role of civil society. After 2018, amid growing discontent in the DRC with international interference in the country's national sovereignty, the EU was no longer in a position to be involved in institutional support.

Moreover, the DRC electoral institutions, which enjoyed a sufficient budget from the state, did not appeal for funds from international donors. Overall, anti-Western rhetoric following the sanctions imposed on the DRC for its human rights abuses hampered the EU's electoral cooperation.<sup>174</sup> Certain actors, such as the United States and the United Kingdom, did succeed in implementing institutional support projects, but only within a limited framework.

In this context, the EU directed its funds towards non-state institutional support during the DRC's 2018 and 2023 elections. The EU helped empower political actors to effectively monitor elections as party agents. Other projects focused on media support as well as civic and voter education by CSOs – filling a gap not covered by the country's EMB. However, while the EU's interest in supporting domestic election observation was evident, a lack of cohesion among participating CSOs, compounded by the limited timeframe, ultimately prevented their effective direct involvement in the 2023 election. The EU managed to be involved in citizen observation through the Coalition Support Project for the National Observation of Elections in Congo (PACONEC), implemented by Democracy Reporting International.

Interlocutors expressed the view that observation capacity should be built over the two or three years before an election, and that EU projects should take this timeline into consideration. Advance planning, proactive outreach, and robust logistics, as well as a change of CSO culture, are crucial for successful observation efforts in large countries like the DRC.

## Madagascar

Implementing the recommendations of EU election observation missions (EOMs) plays a crucial role in customising EU-funded election assistance projects. In many countries, there has been either no implementation, as in Madagascar, or “cosmetic” implementation, as in Sierra Leone.

Recent elections in Madagascar have often been marred by electoral violence and accusations of fraud. The EMB’s independence and credibility were seriously undermined by its lack of resources and expertise. On the one hand, this shortcoming, along with the non-implementation of the recommendations made by successive EOMs, provided arguments in favour of setting conditions to ensure electoral support for the EMB, as requested by Madagascar’s national authorities. On the other hand, the support provided to CSOs has been a success story. Since 2018, the EU has focused its efforts on developing a strategy to strengthen the coherence of CSO interventions.

The EU provided resources to a CSO platform to engage in domestic election observation, deter electoral violence, and deliver recommendations to all actors involved in the process, including the EMB, the courts, political parties, the media, candidates, and other CSOs. In particular, the EU, through its delegation in Madagascar, mobilised specific expertise to support CSO capacity building in observation methodology, voter education, and dispute resolution. This capacity building was designated to have a long-term impact for CSOs, allowing them to continue their work and contribute to positive change even after the conclusion of the specific projects and programmes implemented by the delegation.

The EU-funded CSOs engaged actively – sometimes even more so than the state institutions in charge – in Madagascar’s electoral and reform processes, allowing the country to make progress on the implementation of proposed recommendations. The EU’s support was extremely important, as many CSOs involved in the elections lacked resources and long-term technical expertise. Moreover, given the sensitivity and emotional tension that surrounded the elections, it was essential to have neutral technical support. Interlocutors stated that it was important to carefully consider the impact of this challenge on the sustainability of ongoing initiatives.

The EMB managed to organise the November 2023 presidential election with the assistance of the United Nations Development Programme (UNDP). The EU’s contributions to the UNDP’s funding are intended for future reforms and the implementation of recommendations made by previous EOMs.

## Tunisia

The lack of credibility, professionalism, and independence of some EMBs has led the EU to withhold its support or make it conditional on the achievement of certain milestones. In Tunisia, concerns about the EMB’s impartiality and independence led to a more effective and innovative EU strategy of support for independent local CSOs.

Since Tunisia’s 2011 revolution, the EU has been the country’s key partner in its democratic and socio-economic transitions, not least as a major promoter of civil society. However, the revolution brought

not only democratisation but also destabilisation, which had broad repercussions on relations between Tunisia and the EU. In the first years after the revolution, the EU positioned itself as the de facto main sponsor of the country's democratisation.<sup>175</sup> But the destabilisation and political instability of the last five years has had a strong impact on the EU's willingness and interest in supporting Tunisian institutions, including those in charge of organising elections.

The EU decided to focus its efforts on empowering CSOs engaged in the democratisation process, with an emphasis on youth, the media, and elections. Unable to offer direct support to state institutions involved in elections in the same way as the United States-funded National Democratic Institute or EU member states, the EU delegation in Tunisia used the budget of the European Instrument for Democracy and Human Rights to support CSOs involved in election observation during legislative elections in 2022–2023 and local elections in 2023–2024.

The EU's approach was to fund the largest election observation group, Réseau Mourakiboun, with the stipulation that Mourakiboun would financially support smaller organisations to observe the second round of the legislative elections. This unusual but successful approach essentially turned Mourakiboun into a secondary donor, placing the Tunisian organisation in an unconventional position. Neither the EU nor Mourakiboun exercised methodological or content control over the observation activities of the six smaller CSOs that were indirectly supported by the EU.

## Uganda

Uganda showed a lack of progress in implementing recommendations made following three successive EOMs in 2006, 2011, and 2016. As a consequence, there was no EOM in 2021. Support for civil society was prioritised during the 2021 elections for both election observation (funding provided through a basket fund) and the prevention of electoral violence (conflict-sensitive journalism and women-led violence mitigation projects).

However, support for civil society election observation was impeded by strict regulations that prevented the formation of a temporary coalition. The Ugandan government froze the bank accounts of several reputable CSOs active in observing the 2021 elections, citing unfounded allegations of terrorism financing, and delayed the issuance of accreditation badges. The arrests on election day of twenty civil society data collectors further hampered the CSO efforts. While the EU is still forming its plans for Uganda's 2026 elections, support for civil society is likely to remain a primary focus.

## Conclusion

The EU has a wealth of experience in supporting both EMBs and CSOs in its election assistance. The nature of such support has different pros and cons depending on the context and the partners involved. In order to be effective, collaboration between the EU and EMBs requires clear mutual agreement: the EU must be willing to provide support and the EMBs must be open to receiving it and engaging constructively. Cooperation with CSOs depends on the technical and administrative capacity of civil society in each country and the means at the disposal of the EU. Ensuring consistency across all EU support is not realistic because the context and the actors are different in each country and, in many cases, the situation is volatile.

On the basis of previous EU experience in the ten countries investigated, it is clear that a combination of EMB support and engagement with local CSOs offers the most effective approach to European election assistance. Indeed, supporting CSOs does not preclude the option of offering support to EMBs through different instruments, and the decision on what form of assistance to provide depends on the political context and the will of the parties involved. Combining both provides the necessary degree of flexibility and potential for adapting to real world events that helps ensure the highest potential for impact in support of election integrity worldwide.

Dr Adina Borcan is a Senior Communications and Elections Expert. She has extensive working experience in election observation with the EU and ODHR. Her activities on technical assistance are covering mainly institutional communication, training for observers, LEAD training and media.

# Notes

## Introduction

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## Contribution 1

9 The author conducted expert interviews with leading figures from key organisations in the election observation field. These included the European Union (EU), the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the National Democratic Institute (NDI), as well as citizen observer organisations and academics. The author also drew upon her extensive experience of election observation with the OSCE/ODIHR, the International Foundation for Election Systems (IFES), and with the EU.

10 Interviews with current and former international organization representatives, Oxford, UK (via Zoom), 4 March 2024.

11 This is considered to be overly polite, euphemistic, or unclear formulation of findings and conclusions to spare bad reactions on the part of the host authorities.

12 Interviews with current and former international organisation representatives Oxford, UK (via Zoom), 22 February, 28 February, 3 March, 4 March and 11 March 2024.

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15 Interviews with international organization and citizen observer representatives, Oxford, UK (via Zoom), 12 February, 21 February and 27 February 2024.

16 The EU had another format, the Election Assessment Team (EAT), which was used in Afghanistan, Iraq, and Libya, but this model not been fully defined nor methodologically fleshed out.

17 Interviews with international organization, Oxford, UK (via Zoom), 20 February, 21 February, 28 February 4 March and 11 March 2024.

18 This is considered to be overly polite, euphemistic, or unclear formulation of findings and conclusions to spare bad reactions on the part of the host authorities.

19 Interview with international organization representative Oxford, UK (via Zoom), 28 February 2024.

20 Many of the currently referenced international treaties that create standards for elections were instituted at a time of greater political will globally. The adoption of new standards and norms has been difficult to achieve. Nevertheless, the onus of compliance has been squarely located in the ‘state parties’ that were the signatories and ratifiers of such international instruments.

21 Interview with international organization representatives, citizen observers, and academic, Oxford, UK (via Zoom), 19 February, 27 February, 3 March, 4 March and 11 March 2024.

22 The Global Network of Domestic Election Monitors (GNDEM) is an organisation based on similar principles to the DoP, for citizen observer organisations. The European Platform of Election Observation (EPDE) and the European Network of Election Monitoring Organizations (ENEMO) are important regional subsets.

## Contribution 2

23 This contribution builds on a previous study by the authors: Michael Lidauer, Iris O'Rourke, and Armin Rabitsch, “Mapping Legislation for Citizen and International Election Observation in Europe: A Comparative Analysis on the Basis of OSCE/ODIHR Reports,” *Nordic Journal of Human Rights* 35, no. 4 (2017): 360-374.

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27 The status of election observers as human rights defenders was recognised by UN Special Rapporteurs in 2022: UN Special Rapporteur on Human Rights Defenders “The Status of Election Observers as Human Rights Defenders”, Last modified October 27, 2022, <https://srdefenders.org/information/the-situation-of-election-observers-as-human-rights-defenders%EF%BF%BC/>

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contributions to democratic processes in which civil society is a stakeholder. Hence, the authors use the term “citizen” rather than the terms “national” and “domestic”, which are also found in the literature but carry partly negative connotations. The term citizen is also used in the 2015 Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations), which has been endorsed by nine networks and 309 organisations worldwide; see “Our Members”, <http://www.gndem.org/members>.

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53 Partly restricted: in Austria, this is limited to election observers from the OSCE; in the Czech Republic, it applies only to presidential elections; and in Slovakia, election observation applies only to voting and counting on election day (without accreditation).

54 See Lidauer et al, Mapping (2017) and an updated overview in Election-Watch.EU, PEAM Report (2024): 23.

55 Only by OSCE/ODIHR.

56 For Presidential elections only.

57 For Presidential elections only.

58 Only by OSCE/ODIHR.

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105 Recommendations are now always found both within the body of the text and at the end of the final report in a standard format, which helps the reader to quickly identify the specific issue the recommendation addresses and the problem observed, the international and national legal reference, and the suggested action by the responsible institution. The numbering, style, layout, and content is determined by the Deputy Chief Observer (DCO) under the direction of the Chief Observer (CO) on the basis of clear guidelines, grounded on contributions from the EU EOM core team analysts and field observers, with EEAS and other relevant EU desks invited to provide comments.

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153 The NDICI’s third pillar, crisis response, is managed by the Service for Foreign Policy Instruments (FPI), [https://fpie.europa.eu/index\\_en](https://fpie.europa.eu/index_en).

154 These country programs are also called MIP (Multiannual Indicative Programmes). Like its main predecessor, the European Development Fund (EDF), the NDICI has a seven-year duration. The country programme envelopes are loaded for four years and then reloaded for the three remaining years of the seven-year financial framework. The reloading takes place after a process called the mid-term review, largely steered by headquarters in consultation with the European Parliament and the European Council.

155 For instance, in the Central African Republic in 2016.

156 The NDICI programming of EU external aid splits the seven-year EU financial framework into two mid-terms: four years and then three. This three- to four-year NDICI rhythm rarely aligns with democracy priorities such as elections.

157 Ivory Coast and Mauritania among others

158 Each Commission Implementing Decision generally gathers several action documents into an annual action plan. One of these action documents can cover democratic governance.

159 Seen in Ethiopia in 2023.

160 The EU contribution to the UNDP basket fund in Cote d’Ivoire and Guinea-Bissau under the 11th EDF being notable exceptions.

161 Evaluation of the EC-UNDP Joint Task Force on Electoral Assistance, page 92

162 State Department envelopes, such as the Regional Africa Fund and the USAID Advancing Human Rights, Social Justice, Democracy, and Inclusive Development supplement and can be blended with LWAs.

163 UNDP, International IDEA (Institute for Democracy and Election Assistance), ECES (European Center for Election Support) and EISA (Election Institute for Sustainable Democracy in Africa) are, by order of total amounts received, the usual implementing partners EU selects for election assistance. In the vast majority of cases, those partners are contracted directly, without a call for proposal.

164 This graph was compiled based on the data of the Consortium for Electoral and Political Process Strengthening.

165 USAID, “NOFO Democratic Elections and Political Process LWA”, Highergov, June 2021, <https://www.highergov.com/document/nofo-democratic-elections-and-political-process-lwa-pdf-308785/>

166 Alexandra Pouwels, The Integration of European Development Funds.

167 However, this possibility materialized in a very limited number of instances: in Nigeria for an amount of 18 million euro and in Malawi for an amount of 5 million euro. The most frequent approach remains by far the direct award of a contribution agreement or of a grant.

168 For its external actions, the European commission applies a ceiling of 7 per cent of the total incurred costs as “indirect management costs” in grant contracts (not-for-profit by definition). It means that at least 93 per cent of the final payment must be justified according to the contracted activities and budget lines. USAID applies to CEPPS members a more favourable share (21 per cent or 24 per cent depending on the LWA period) of non-justified expenses that are assimilated as “overheads”.

## Contribution 7

169 Based on five categories, the index classified each country as either a full democracy, a flawed democracy, a hybrid regime, or an authoritarian regime. Economist Intelligence Unit, “Democracy Index 2023: Age of conflict”, 2023, <https://www.eiu.com/n/campaigns/democracy-index-2023/>.

170 Euractiv, “EU hits out at sidelining of Chad election observers”, May 8, 2024, <https://www.euractiv.com/section/africa/news/eu-hits-out-at-sidelining-of-chad-election-observers/>.

171 Leandro Nagore and Domenico Tuccinardi, “Citizen Electoral Observation”, ACE Electoral Knowledge Network, <https://aceproject.org/ace-en/focus/citizen-electoral-observation>.

172 The term used by many interlocutors was “cash cow”.

173 Abigail Jane Hansen et al., “Meta evaluation of human rights & democracy thematic projects (2014-2021)”, European Union, July 2023, <https://op.europa.eu/en/publication-detail/-/publication/879da5d1-73b3-11ee-9220-01aa75ed71a1/language-en/format-PDF/source-295974295>.

174 Council of the European Union, “Democratic Republic of the Congo: EU lists nine individuals responsible for human rights violations and abuses and for sustaining armed conflict, instability and insecurity”, July 28, 2023, <https://www.consilium.europa.eu/en/press/press-releases/2023/07/28/democratic-republic-of-the-congo-eu-lists-nine-individuals-responsible-for-human-rights-violations-and-abuses-and-for-sustaining-armed-conflict-instability-and-insecurity/>.

175 Rym Ayadi and Emanuele Sessa, “EU policies in Tunisia before and after the Revolution”, European Parliament’s Committee on Foreign Affairs, April 21, 2016, [https://www.europarl.europa.eu/RegData/etudes/STUD/2016/578002/EXPO\\_STU\(2016\)578002\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2016/578002/EXPO_STU(2016)578002_EN.pdf)



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