

Electoral observation made the headlines at the end of 2007 because of the cancellation of the mission to observe the Russian elections. As is often the case, there was quite a lot of guesswork and even misinformation in reports on

# The Ujazdów Avenue mess

OSCE

by Marco Montanari

this very complex technical issue. The reconstruction of the various bureaucratic phases, however, makes it possible to see through the “fog of cold war” that now seems to envelop the facts each time an inter-European quarrel breaks out

**E**lectoral observation in European and post-Soviet countries was entrusted to the Organization for Security and Cooperation in Europe (Osce) on the basis of a gentleman’s agreement with the European Union. Despite its name, the Osce is not a formal international organization but rather a “diplomatic conference which is permanently in session”, a direct extension of the famous 1975 Helsinki meetings. The Osce also has an Office for Democratic Institutions and Human Rights (Odihr), based on Ujazdów Avenue in Warsaw. The Odihr’s tasks include electoral observation. The Warsaw office, which is mainly headed by Western officials, has an ordinary budget fixed by the Osce and an extraordinary budget, made up of donations from some Osce countries starting with the U.S., which is a confidential one not subjected to auditing. During the 1990s, the Odihr sent its Election Observation Missions (Eom), comprising dozens or hundreds of observers and lasting for over a month, exclusively to the countries that were formerly behind the Iron Curtain, although the 1990 Copenhagen Document regulating the missions does not envisage any such geographical limits. After 2000,

with Putin’s arrival at the Kremlin and the controversial U.S. presidential elections, pressure from many directions forced the Odihr to also send missions to the West. However, instead of sending the usual Eom, the Odihr set up ad hoc Election Assessment Missions (Eam), which have fewer staff, do not systematically carry out observation activity and spend about two weeks in the country where elections are being held. The Eam sent to observe elections to the U.S. Congress in 2006, for example, had 18 members who stayed for 18 days, while the mission sent to Italy the same year had just eight members. A further significant difference between the Eoms and Eams is that only the former publish a preliminary declaration the day after the election; this is a much-feared document that tells the international press whether the elections were free and fair. The huge media coverage the document is given makes it a source of potential delegitimization for governments, a risk they do not run with the Eams.

## **Tough negotiations**

Moscow obviously wanted to be assigned a small “evaluation” mission,

whereas the Odihr was determined to send a regular Eom to Russia, one the same size as the 2003 mission, which had no fewer than 450 observers. So the two sides started out from diametrically opposed positions.

The bureaucratic procedures relating to the missions are generally started about two months before election day so as to allow the first observers to arrive in the country at least four weeks before the vote counting gets underway. The procedure is a complex one that begins with an invitation from the host country, followed by an Odihr notification to member States with a request for a list of candidate observers. Following approval of the

nominations at Warsaw, a final list of names is sent together with the passports of each observer to the central election commission of the host country, which must then transfer all the documentation to its foreign ministry for visas to be issued. The observers' passports are then sent back to Warsaw, which takes charge, in its turn, of sending them to every single member of the mission.

In other words, the Russian central election commission should have sent its invitation for the 2 December elections in early October. Instead, the Russians waited until 31 October to do so. What is more, they added two conditions: a cap on the number of observers and the right to exclude people considered potentially hostile to Russia from the list of accredited observers. The 70-observer limit the Russian central election commission wanted went against the custom, which gives the Odihr total freedom to decide on

\_Images of the recent marches in support of Putin during the election campaign for Russian parliamentary elections, held in a very strained atmosphere



the size of its missions. The attempt to exclude specific observers, which the Odihr turned down point-blank, was even more dubious. Panamanian President Noriega was the first to try something of the kind in 1989, but was then forced to humiliatingly backtrack, after which Zimbabwe's president, Robert Mugabe, tried a similar manoeuvre in 2002. No one had attempted it since then. Unable to obtain an Eam, Moscow basically decided to act in such a way as to force the Odihr to send a mission that would be almost as watered-down as the ones reserved for Western countries. The Odihr office in Warsaw was well aware of this objective and could have responded by informally drawing up a list of observer candidates before receiving the invitation, a ploy it had already used in the past in similar cases to gain precious time. The Odihr maintains in fact that it sent all the documents on 2 November, thereby implicitly admitting that it had resorted to this expedient. However, this claim is untrue. This journalist was given off-the-record confirmation of the fact that the Odihr had actually given member States a final deadline of 7 November to submit their documents, which the Odihr then sent to the wrong address in Russia. At this point the Kremlin probably thought that the Odihr was trying to put Moscow in the embarrassing position of not being able to deliver the visas on time so as to justify any abrupt decisions. Moscow had in fact made a commitment to the Odihr to host to mission from 19 November onwards. Technically speaking, this meant that the observers' passports with the visas stamped on them would have to be returned to Warsaw by 15 November. One can imagine the amount of pressure the Kremlin executive must have put on the Russia's central election commission and foreign ministry. The heavy bundle of documents, complete with the required stamps and signatures, was finally delivered to 19 Avenue Ujazdów in the late afternoon of 15 November, demonstrating the Russian bureaucracy's efficiency when subjected to sufficient pressure. The proverbial ball was therefore in the court of Christian Strohal, the director of the Odihr – who, however, had

decided to spend these crucial hours at the State Department in Washington having talks with Condoleezza Rice rather than at his headquarters in Warsaw.

### The breakdown

Strohal flew back to Warsaw on 15 November. At 10.20 a.m. the next day, the Udhir's spokeswoman Urdur Gunnarsdottir announced that a letter had been sent to the Russian foreign ministry with the startling news that the electoral observation mission was being cancelled. The Odihr management could obviously not have discussed the missive that same morning, unless they had met very quickly for a few minutes. In all probability the text had already been drawn up and kept ready in the eventuality that Moscow was unable to send the documents in time. And in fact the Odihr told the press that it had not received the visas – but there can be no



doubt that those who actually handled the passports of the would-be observers saw the Russian stamps in them.

What is really surprising about the Odihr's decision is that no mission has ever been cancelled thus far, not even in Byelorussia in 2001 when President Lukashenka actually threatened to declare the Osce representative persona non grata and expel him. Mrs. Gunnarsdottir, however, said there had been a precedent: she mentioned the cancellation of the electoral observation mission in Albania in 1996. In fact the Odihr's own archives give the lie to this information, which all the top international papers imprudently reported without checking it first. The

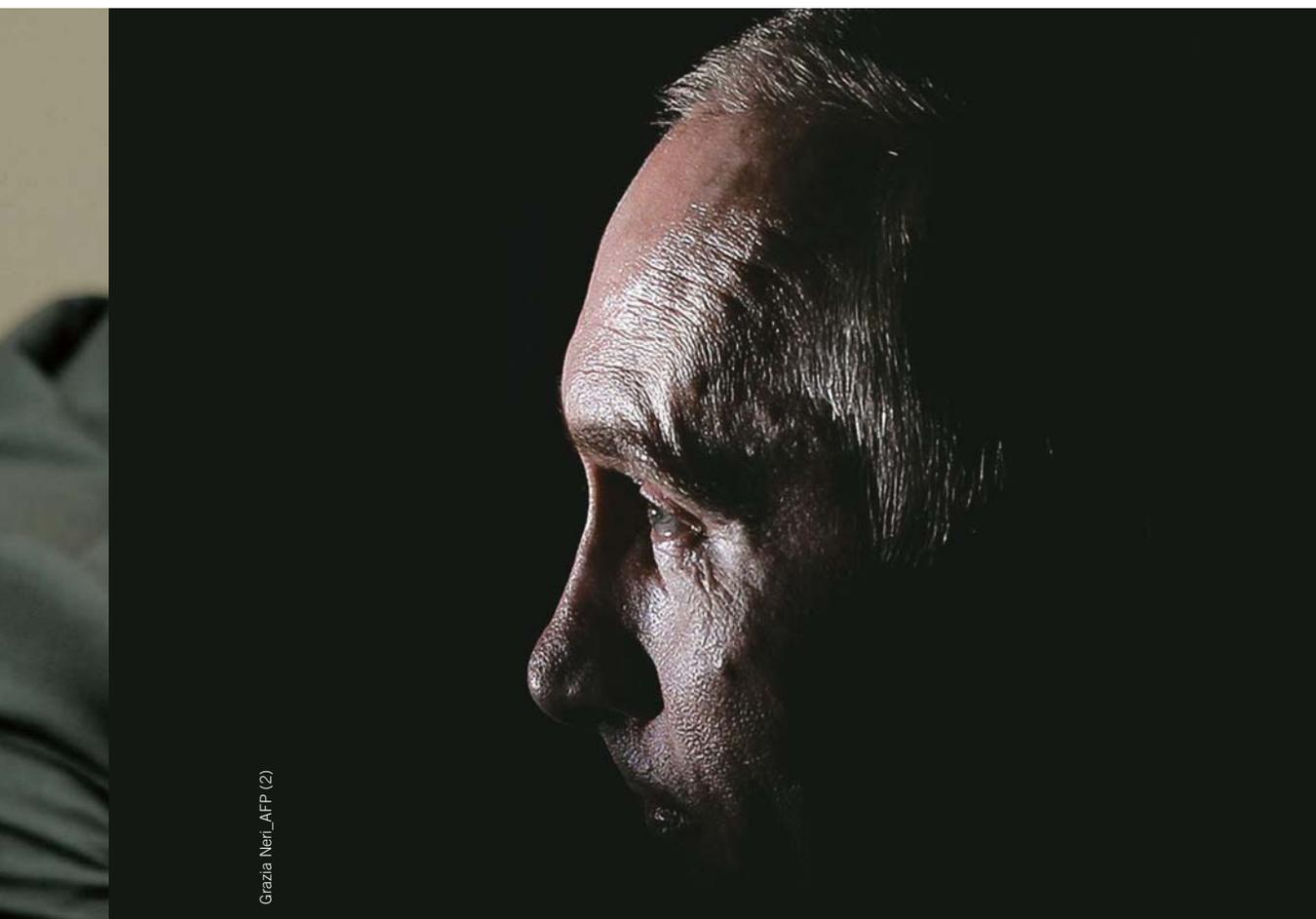
1996 mission to Albania did take place and the official documents regarding the mission confirm that, although the observers were withdrawn between the first and second rounds of voting, some of them remained in the country.

### **An escalating controversy**

The Russian reaction was initially characterized by understatement in an attempt to avoid an irretrievable breakdown and have the mission come to Russia anyway. As the hours went by, however, it became increasingly clear that the Odihr had no intention of going back on its position, despite an invitation to do so from the then president of the Osce, the Spanish foreign minister Mr. Moratinos. As a result, Russia's diplomatic tone grew sharper, recalling memories of the past.

On 26 November, Putin himself intervened to openly accuse the Odihr of

\_Left: Christian Strohal, the head of Odihr, who made the startling decision to cancel the electoral observation mission to Russia on 15 November. Below: Vladimir Putin



Grazia Neri/AFP (2)



bowing to orders from Condoleezza Rice, who wanted the mission cancelled so as to cast doubt on the legitimacy of the Russian elections. President Putin backed up his theory by mentioning Strohal's visit to Washington on the eve of the decision and the fact that the Odihr management took this step without previously consulting the Osce president or the European foreign ministries, which would have heard the news from the wire agencies. It was pointed out that none of the foreign ministries had officially commented on Strohal's decision on 16 November, except for the U.S. State Department, which sent out a release expressing full support.

**Wreckage**

This diplomatic scrap has only resulted in wreckage. The credibility the Odihr has patiently built up over the years carefully has been given a major knock. Subjected

\_The Russian central election commission announcing the results of the recent parliamentary elections, which were very controversial

as it is to improper pressures, electoral observation in the European context also appears to be going through a crisis. The risk of electoral missions becoming "militarized" is now reality. Following a dubious custom that was hitherto only practised in some countries, foreign ministries increasingly draw up lists composed of diplomats, military advisors and ministry or government agency officials rather than selecting independent specialists to be observers. The credibility of people dependent on governments as observers is equally doubtful: all of which gives one the uncomfortable feeling of being faced with a second cold war – or rather Cold War II.