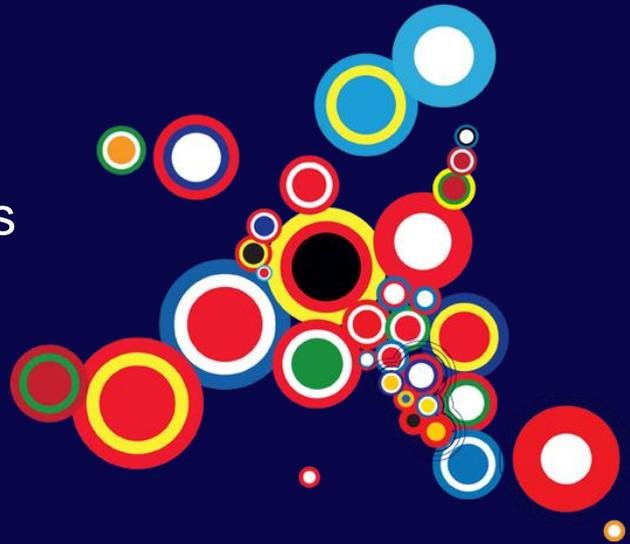




## INSTRUMENT FOR PRE-ACCESSION ASSISTANCE (IPA II) 2014-2020

### MULTI-COUNTRY

Support to the follow-up of  
electoral recommendations  
in the Western Balkans



#### Action summary

The action aims to assist the five OSCE participating States in the Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia), as well as Kosovo\*, in bringing the conduct of elections closer in line with OSCE commitments and other international obligations and standards for democratic elections. This will be achieved by ODIHR providing assistance to IPA II beneficiaries in the Western Balkans in the follow-up to OSCE/ODIHR electoral observation mission's recommendations (and, in Kosovo, on the basis of EU election observation mission's recommendations) in an inclusive manner and sufficiently in advance of the next elections, in particular in areas related to election administration, voter registration, and the conduct of the media during the election campaign.

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

<b>Action Identification</b>			
<b>Action Programme Title</b>	IPA II Annual Multi-Country Action Programme 2016		
<b>Action Title</b>	Support to the follow-up of electoral recommendations in the Western Balkans		
<b>Action ID</b>	IPA 2016/039-858.12/MC/Elections		
<b>Sector Information</b>			
<b>IPA II Sector</b>	9. Regional and territorial cooperation		
<b>DAC Sector</b>	15151 Elections		
<b>Budget</b>			
<b>Total cost</b>	EUR 1 577 000		
<b>EU contribution</b>	EUR 1 400 000		
<b>Budget line(s)</b>	22.020401- Multi-country programmes, regional integration and territorial cooperation		
<b>Management and Implementation</b>			
<b>Management mode</b>	Direct management		
<i>Direct management:</i> <b>European Commission</b>	NEAR/D.5 Western Balkans Regional Cooperation and Programmes		
<i>Indirect management:</i> <b>Entrusted entity</b>			
<b>Implementation responsibilities</b>	NEAR/D.5 Western Balkans Regional Cooperation and Programmes		
<b>Location</b>			
<b>Zone benefiting from the action</b>	Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia)		
<b>Specific implementation area(s)</b>	Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo, Montenegro, Serbia) Warsaw (Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights-OSCE/ODIHR Headquarters)		
<b>Timeline</b>			
<b>Final date for contracting including the conclusion of delegation agreements</b>	31/12/2017		
<b>Final date for operational implementation</b>	31/12/2020		
<b>Policy objectives / Markers (DAC form)</b>			
<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	x
Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender equality (including Women In Development)	<input type="checkbox"/>	x	<input type="checkbox"/>

Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Main objective</b>
Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>

# 1. RATIONALE

## PROBLEM AND STAKEHOLDER ANALYSIS

The values on which the EU is founded as set out in Article 2 of the Treaty on European Union are reflected in the accession criteria. These essential conditions which all candidate countries must satisfy to become a Member State notably include: the stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. The EU's enlargement policy remains focused on the "fundamentals first" principle. Reflecting the core EU values and policy priorities, the enlargement process continues to prioritise reforms in the areas of rule of law, fundamental rights, the strengthening of democratic institutions, including public administration reform, as well as economic development and competitiveness.

The 2015 EU Enlargement Strategy underlines that the proper functioning and stability of core institutions guaranteeing democracy in candidate countries and potential candidates remains to be fully addressed. A cornerstone for the effective functioning of Democratic institutions is the respect to the conduct of genuine elections. The Strategy highlights the need to support the strengthening democratic institutions, which remain fragile in a number of IPA II beneficiaries, including support for electoral and parliamentary reform.

The EU has additionally emphasized the importance of follow-up on electoral recommendations in its policy documents. In 2015, a new Action Plan on Human Rights and Democracy was adopted that underscored the need to “*consolidate best practices for leveraging EU Electoral Observation Missions (EOMs) and OSCE/ODIHR Election Observation Missions recommendations in EU and EU Member State political dialogues and democracy support activities*”, as a means to maximize the impact of election observation.<sup>1</sup> This approach has been reaffirmed in specific priorities of the 2015 Enlargement Strategy and the Annual Reports.

In the last two decades, the Western Balkans region has demonstrated notable progress towards adopting democratic norms and institutions, including with respect to the conduct of democratic elections. Notwithstanding, in the course of its recent election observation activities to the region, the OSCE/ODIHR has noted varied degrees of implementation of OSCE commitments and other standards for democratic elections, as well as cases of limited public confidence in electoral management bodies (EMBs) and key electoral processes. Although the Western Balkans have largely strengthened their legal frameworks in a manner that is accessible and aspires to respect OSCE commitments and international obligations in the letter of the law, several fundamental aspects continue to pose challenges. Shortcomings impacting a number of states in the region include:

1. Lack of confidence in the impartiality and independence of EMBs, including concerns about undue influence from state institutions. In several cases, effectiveness was undermined by a lack of training and provision of regulations, while transparency was undermined due to restricted access for observers and media.
2. Persistent concerns about the accuracy of voter lists and voter registration processes, as well as a lack of sustainable mechanisms to ensure effective co-ordination with existing population registers and to ensure the accuracy of their sources. In some cases, electoral stakeholders were not provided with meaningful opportunities to check and verify the accuracy of voter lists.
3. Inequitable access to media, as well as insufficient legal safeguards for freedom of expressions and the criminalization of defamation in some cases, limited the opportunity for candidates to convey their message to the electorate on an equal basis, as well voters' capacity to make informed choices. In several cases, media regulatory bodies lacked the mandate, resources and professional capacities to provide effective oversight of electoral campaigns in the media.

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<sup>1</sup> See also, 2005 Declaration of Principles for International Election Observation.

The proposed intervention is meant to address those identified national needs and challenges in the OSCE participating States in the Western Balkans region (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia) and Kosovo to meet the political criteria for EU membership and to align with European and International standards and practices on electoral matters.

The action will address more specifically the shortcomings identified and follow up recommendations of OSCE/ODIHR and the EU Electoral Observation missions and available assessment reports. Genuine and democratic elections are the foundation for the establishment of democratic institutions and accountable governance, critical elements of the human dimension of security outlined in the 1975 Helsinki Final Act. Recognising the vital importance of democratic elections for stability, the OSCE participating States have committed themselves to inviting observers from the OSCE/ODIHR and to “follow up promptly the ODIHR’s election assessment and recommendations”, recognizing “the assistance the ODIHR can provide to participating State[s] in developing and implementing electoral legislation”.

The OSCE/ODIHR has made a number of recommendations on these three thematic areas to assist states in bringing their electoral legislation and practice closer in line with OSCE commitments and international standards. While, in general terms, there has been greater engagement and inclusive dialogue with political contestants and civil society in developing and introducing electoral reform, it is evident that further support be provided to participating States in the implementation of OSCE/ODIHR recommendations. This includes encouraging political will for reform, supporting sustainable electoral-management capacities, promoting public consultation and inclusion, referring to OSCE commitments and other international obligations and standards, drawing on national and international expertise, and encouraging the establishment of plans, public reporting and review mechanisms.

If electoral recommendations are not given serious consideration and effectively addressed, there is a real risk that electoral shortcomings and vulnerabilities will persist and, in all likelihood, increase. This not only places the protection of key human rights at risk, but it may also have a detrimental impact on the perceived credibility of an electoral process and contribute to security concerns at national and regional levels.

This action will also respond to need to promote freedom of expression and media through EU financial assistance in a more structured and strategic manner and in close co-operation with key international organisations as the action will work to enhance media conduct during elections and contribute to media freedom and pluralism in the context of election of coverage.

**Key action stakeholders:** The action will work with a range of national and international actors. At the national level, this includes parliaments, electoral management bodies, other state authorities, political parties, citizen election observers and other relevant civil society organizations. It is of fundamental importance that national organizations take the lead in electoral reform efforts so as to ensure sustainability and national ownership. OSCE/ODIHR has observed a number of elections in the OSCE participating States in the Western Balkans region (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia) and has engaged in follow-up activities there in the past.

OSCE/ODIHR recognizes the importance of continued close co-ordination with the international community involved in electoral reform and the follow-up of OSCE/ODIHR’s electoral recommendations, including the United Nations, the Council of Europe, and European Union, as well as non-governmental organizations active in the field. OSCE/ODIHR will ensure that its follow-up activities will complement other efforts and avoid unnecessary duplication. Such co-ordination will primarily be conducted through the convening committee of the Declaration of Principles for International Election Observation, of which OSCE/ODIHR was a founding endorser.

## **OUTLINE OF IPA II ASSISTANCE**

The overall objective of the action is to assist five OSCE participating States in the Western Balkans region (Albania, Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Montenegro, Serbia) and Kosovo in bringing the conduct of elections closer in line with OSCE commitments and other international

obligations and standards for democratic elections with the aim to enhance public confidence in electoral management bodies and key electoral processes.

This will be achieved by ODIHR providing assistance to IPA II beneficiaries in the Western Balkans in the follow-up to OSCE/ODIHR electoral observation mission's recommendations (and, in Kosovo, on the basis of EU election observation mission's recommendations) in an inclusive manner and sufficiently in advance of the next elections, in particular in areas related to election administration, voter registration, and the conduct of the media during the election campaign. The action will be implemented in close coordination with the European Commission and the European External Action Service (EEAS) to ensure full complementarity between the election review and assistance provided by ODIHR with EU political interactions with the relevant IPA II beneficiaries.

This action will address the abovementioned challenges over a three-year period by:

1. **Strengthening the capacity of election management bodies** to conduct elections in an administratively effective, politically impartial, and transparent manner.
2. **Enhancing the accuracy and public confidence in voter lists and voter registration processes**, including through effective co-ordination with existing population registers, enhanced procedures to ensure accuracy of source information, and meaningful consultation of voter lists for all electoral stakeholders.
3. **Increasing the knowledge of appropriate standards and capacity of media regulatory bodies** to regulate and monitor media conduct during elections, thereby contributing to a pluralistic and fair campaign environment.

Action activities will be structured around the emerging political calendar, including upcoming elections and existing electoral reform agendas in each of the action targeted IPA II beneficiaries in the Western Balkans.

The institutional, political and media stakeholders noted above, as well as relevant international organizations, will be involved in planning and delivering activities, including through regional exchanges of best practice wherever relevant and complementary to capacity-building processes.

#### **RELEVANCE WITH THE IPA II MULTI-COUNTRY STRATEGY PAPER AND OTHER KEY REFERENCES**

In line with the IPA II Multi-Country Indicative Strategy Paper 2014-2020<sup>2</sup> (hereinafter referred to as the Strategy Paper), the proposed intervention will support the Western Balkans in better alignment of their national electoral laws and practices with the Union *acquis* and the European and International standards and practices considered Europe's electoral heritage. Furthermore, the action will contribute to the broad objective of IPA II national and regional interventions in the area of democracy, rule of law and fundamental rights.

The importance of follow-up to election observation recommendations is underlined in the EU's Action Plan on Human Rights and Democracy adopted in 2015, the 2015 Enlargement Strategy and the Annual Reports and it is also repeatedly acknowledged by OSCE participating States. At the 1999 Istanbul Summit, for example, States committed to “follow up promptly the ODIHR’s election assessment and recommendations” and recognized “the assistance the ODIHR can provide to participating State[s] in developing and implementing electoral legislation”.<sup>3</sup>

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<sup>2</sup> C(2014) 4293, 30.06.2014.

<sup>3</sup> See also, 1998 OSCE Oslo Document (Annex 2); 2002 OSCE Porto Document (Decision No.7); 2003 OSCE Maastricht Document (Decision No.5/03; 2006 OSCE Brussels Document (Decision No19/06).

## LESSONS LEARNED AND LINK TO PREVIOUS FINANCIAL ASSISTANCE

EU electoral support focuses on two complementary elements: *election assistance*<sup>4</sup> and *election observation*. The European Commission has been active for almost twenty years in the field of electoral assistance. Its activities have been part of wider support to strengthening **democratic values**. The European Commission's support to electoral processes is usually part of wider interventions to support good governance, the functioning of parliamentary institutions and political parties, the strengthening of media institutions, civil society, the promotion of human rights and the reinforcement of the rule of law.

The action proposed will contribute to the broad objective of IPA II in the area of democracy, rule of law and fundamental rights and complement ongoing actions such as the EU-Council of Europe (CoE) Horizontal Facility for the Western Balkans and Turkey under which the CoE/Venice Commission provides legal advice on changes to the electoral framework and technical assistance on political party financing in Albania, the former Yugoslav Republic of Macedonia and Montenegro.

This action builds on the experience of previous EU funded electoral assistance actions implemented by the OSCE/ODIHR such as the action entitled "facilitation of Municipal Elections in Northern Kosovo in 2013".

In the Western Balkans, the EOMs are carried out by OSCE/ODIHR with the sole exception of Kosovo which is not an OSCE Participating State. Both the EU and ODIHR use similar election observation methodology inspired by OSCE commitments, international and other European standards. The EU deployed EOMs to Kosovo in 2013 and 2014. Recommendations issued by the EU and other relevant International observers will be taken as reference for the implementation of the action in Kosovo.

OSCE/ODIHR has a long history of working with states on the follow-up of electoral recommendations. As a result, a number of good practices have emerged that informed the design of this project. In June 2016, ODIHR published its *Handbook on the Follow-up of Electoral Recommendations*; the first publication by an international organization on the topic.<sup>5</sup> While OSCE/ODIHR has conducted follow-up activities for many years, this handbook establishes a systematic approach that provides clarity and consistency, and also encourages greater attention to the implementation of recommendations. It serves as a useful tool for countries interested in the follow-up of electoral recommendations and as a practical guide for OSCE/ODIHR in supporting states in their efforts. The handbook was developed as part of OSCE/ODIHR's continued efforts to improve its methodology and to increase professionalism in its election observation activities. The key lessons learned in supporting the follow-up of recommendations, as highlighted in the publication, are:

**Using an electoral cycle perspective in electoral reform work** - The electoral cycle approach is a means of viewing elections as continuous processes rather than isolated events. It recognizes that elections are composed of a number of interconnected components that interact with and influence one another, beginning several years before an election and finishing long after election day. Viewing electoral reform from this perspective assists the overall framing and timing of follow-up support offered by OSCE/ODIHR.

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<sup>4</sup> In the European Commission Communication 191 of April 2000 on "Election Assistance and Observation" the election assistance is defined as the technical or material support given to the electoral process. It may imply professional help to establish a legal framework for the elections. It may take the form of a general input to the National Election Commission, for example providing voting material and equipment, or helping in the registration of political parties and the registration of voters. It may also imply support to NGOs and civil society in areas such as voter and civic education or training of local observers as well as support to the media through media monitoring and training of journalists.

<sup>5</sup> See: <http://www.osce.org/odihr/elections/244941>.

**Genuine political will is essential for effective follow-up** - While OSCE/ODIHR may assist states through follow-up activities, in order to ensure sustainability and ownership it is imperative that the process be internally driven. OSCE/ODIHR recognizes that the ultimate responsibility for organizing elections lies with the participating States, and its follow-up activities, therefore, support sustainable electoral management capacities.

**Timing is important for successful electoral reform** - Implementing recommendations well in advance of an election allows time for consultation, drafting and adoption of legislation; testing and development of practices; voter education programmes; and training of electoral staff, potential candidates and other stakeholders.<sup>6</sup> When an election is not imminent, there is also less risk of discussions becoming politically heated, meaning that positions can be more thoroughly considered. OSCE/ODIHR places significant value on reviewing recommendations and initiating reform at the earliest opportunity after an election.

**Consensus and inclusion on how to follow up on recommendations is critical in order to encourage participation in the process of reform and acceptance of the outcomes** - The reform process is stronger when there is meaningful involvement, public consultation and inclusion, not only of the main opposition parties, but also of smaller political groups, EMBs, national experts, civil society and other stakeholders, including those who are at risk of marginalization from the process such as women, national minorities and persons with disabilities.

**Agreed action plans**– Implementing recommendations can be administratively burdensome and politically divisive. Agreed objectives, frameworks and responsibilities can enhance the focus of the reform, transparency of the process, and accountability of actions. OSCE/ODIHR encourages the establishment of agreed frameworks for reforms and periodic and public reporting on progress.

**Co-ordination and cohesion** – Co-ordination between national and international agencies providing support to the implementation of recommendations increases the likelihood of such support being effective. OSCE/ODIHR encourages joint initiatives, co-ordination meetings and review mechanisms as a means to reduce duplication and create opportunities for a cohesive follow-up process.

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<sup>6</sup> Section II.2.B of the 2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters recommends that, in order to guarantee the stability of the law, the fundamental elements of electoral law should, in principle, not be open to amendment in the year before an election.

## 2. INTERVENTION LOGIC: LOGICAL FRAMEWORK MATRIX

OVERALL OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS	SOURCES OF VERIFICATION	
To assist the five OSCE participating States in the Western Balkans (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia) and Kosovo in bringing the conduct of elections closer in line with OSCE commitments and other international obligations and standards for democratic elections (with the aim to enhance public confidence in electoral management bodies and key electoral processes)	Level of improvement of electoral legislation and practice in line with OSCE commitments and other international obligations and standards for democratic elections demonstrated the targeted IPA II beneficiaries.  Degree of domestic acceptance of electoral results	Reports by international and citizen observer groups.  Reports by other organizations working in the field of human rights and democracy support.  When available, credible opinion polls on public confidence in electoral processes	
SPECIFIC OBJECTIVE	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
To provide support to targeted IPA II beneficiaries to implement the OSCE/ODIHR recommendations (EU in Kosovo) in areas related to election management, voter registration and media oversight.	% of OSCE/ODIHR and EU EOM's recommendations implemented by the targeted IPA II beneficiaries	Electoral recommendations database. Assessment of ODIHR experts based on mid-term visits, consultation meetings, as well as in-depth expert evaluation of reforms.	Targeted IPA II beneficiaries demonstrate the political will to implement recommendations related to election management, voter registration and media oversight.
RESULTS	OBJECTIVELY VERIFIABLE INDICATORS (*)	SOURCES OF VERIFICATION	ASSUMPTIONS
<p><b>Result 1: the capacity of election management bodies</b> to conduct elections in an administratively effective, politically impartial, and transparent manner is strengthened</p> <p><b>Result 2: the accuracy of voter lists and voter registration processes is enhanced</b>, including through effective co-ordination with existing population registers and meaningful consultation of voter lists for all electoral stakeholders.</p> <p><b>Result 3: the knowledge and capacity of media regulatory bodies</b> to regulate and monitor media conduct during elections, thereby contributing to a pluralistic and fair campaign environment is increased.</p>	<ol style="list-style-type: none"> <li>1) Degree of implementation of recommendations for election management, voter registration and media oversight.</li> <li>2) Number of electoral stakeholders participating from activities related to the election management thematic area. (consultations, meetings, workshops, other events)</li> <li>3) Number of reports produced (strategic plans, reports, reviews and analysis)</li> </ol>	<ol style="list-style-type: none"> <li>1) Assessment of ODIHR experts based on mid-term visits, consultation meetings, as well as in-depth expert evaluation of reforms.</li> <li>2) List of participants for events and list of interlocutors for meetings, reviews, expert advice.</li> <li>3) Copies of reports</li> </ol>	Sufficient stability regarding overall political environment and electoral cycles so as to provide for the delivery of assistance in a timely manner.

## DESCRIPTION OF ACTIVITIES

The methodology informing this project's activities sees a sequence of linked activities that feed into each other. It is structured in a way to ensure flexibility and to take full account of the results of the consultative and progress review processes so as to ensure that the action can react to emerging requests for assistance. The activities envisaged in the three phases of the proposed action will be as follows:

### 1. Inception Phase:

#### Activity 1.1 Consultation and planning visits

During the inception phase, the action will deploy a team of OSCE/ODIHR experts to conduct in-depth consultations with the key stakeholders regarding electoral reform needs. These visits will be carried out for each of the targeted IPA II beneficiaries (up to six), lasting some 4-5 days, and will take place prior to any follow-up assistance and will be organized with the support of OSCE field operations in the targeted IPA II beneficiaries with whom ODIHR already has on-going communication. The assessments will ensure that the content of the action responds to changing circumstances and emerging priorities in order to ensure that technical and operational capacity building is well-targeted and relevant. During this phase, the relevant stakeholders will be encouraged to initiate strategic plans, develop them through an open and consultative process, and to obtain the agreement of key actors on their roles and responsibilities.

Every effort will be made to ensure complementarity and the avoidance of duplication with other electoral assistance providers. To this end OSCE/ODIHR will convene a co-ordination meeting or join existing donor co-ordination groups.

Expected outputs of this activity are:

- Consultation and planning visit reports
- Strategic plans drafted by national actors and developed through an open consultation with electoral stakeholders

#### Activity 1.2 Development of electoral recommendation database

The action will develop a system to collect recommendations and track their follow-up for the three thematic areas of this action, namely election management, voter registration, and media oversight. The recommendations will be those published in the last two OSCE/ODIHR election observation reports for each type of election observed by OSCE/ODIHR (parliamentary, presidential, local) within each of the five OSCE participating States, and based on EU electoral recommendations in the case of Kosovo. A detailed methodology for tracking the follow-up of recommendations will be developed and the management of this database will be assigned to the Follow-up Action Co-ordinator. The database will be made available for relevant stakeholders to serve as an important tool for assessing progress of the implementation of recommendations. (Please also see activity 2.3. Mid-term reviews). The database will also serve as a useful co-ordination instrument when engaging with the international community working on electoral support and in deciding on which areas to focus.

Expected outputs of this activity are:

- Electoral recommendation database
- Methodology for tracking the implementation of electoral recommendations

### 2. Addressing electoral recommendations:

#### Activity 2.1 Topical workshops

The action will organise 12 two-day workshops (two in each targeted IPA II beneficiary) for up to 60 participants each.

These workshops will have the dual purpose of:

- Providing in-depth expertise and comparative experiences on an identified issue; each workshop will enhance understanding among participants about the necessary principles and measures to implement a concrete set of thematic recommendations.

- Fostering dialogue, building consensus among electoral stakeholders and promoting joint action plans for a given thematic area.

The choice of workshops participants will be determined by the thematic area (and the corresponding set of recommendations) and will target a wide range of state and non-state actors. In conducting these workshops, OSCE/ODHIR will not only draw upon the expertise of the Elections Department, but it will also mobilise expertise from other departments depending on the topic in question. For example, it is expected that the Democratization Department will contribute its expertise in the areas of population and voter registration or cross-cutting issues such as women's political participation. The action will also engage international and national experts, who might be further requested to assist with specific measures (please see activity 2.2.)

Finally, the events will facilitate a transfer of knowledge of OSCE/ODIHR expertise, tools and methodologies to support reform efforts. To this end OSCE/ODIHR will translate, print and disseminate five relevant handbooks into the six national languages of the region.<sup>7</sup>

### **Activity 2.2 Provision of in-depth assistance**

Based on the agreed framework of action, OSCE/ODHIR will undertake a number of specific activities:

- *Under Result 1 the list of activities includes:* supporting EMBs in conducting electoral reviews and strategic planning for upcoming elections; identifying regulatory gaps, training needs and voter education programmes; enhancing transparency measures.
- *Under Result 2 the list of activities includes:* providing in-depth reviews of existing voter registration and population registration processes; supporting relevant state agencies in developing long-term and sustainable systems to manage voter registration and voter lists; identifying measures to provide meaningful consultation of voter lists; developing effective data protection safeguards.
- *Under Result 3 the list of activities includes:* supporting media regulatory bodies in conducting reviews of past electoral oversight of media and developing strategic plans for upcoming elections; identifying regulatory gaps with a view to ensuring a fair and pluralistic campaign environment; establishing training needs and developing media monitoring strategies; enhancing transparency measures. When applicable, the OSCE Representative on Freedom of the Media (RFoM) will be consulted.

Such in-depth assistance may be provided through bi-lateral meetings with EMBs or other agencies, participation in working group or parliamentary committees, or through relevant events organized by other international bodies. In providing such assistance, the action envisages three expert visits per targeted IPA II beneficiary at 10 expert-days per visit, so in total up to 180 days.

Expected outputs of these activities are:

- In-depth expert advice on specific measures
- Expert reviews, analysis and reports

### **Activity 2.3 Organisation of mid-term review visits**

Throughout action implementation, ODIHR will systematically monitor the degree to which recommendations have been implemented by targeted IPA II beneficiaries. This will be done through a mix of methods centred around a mid-term review visit and including consultation meetings and/or expert evaluations of legal amendments. The extent of implementation of the recommendations will be assessed according to the methodology developed in Activity 1.2, based along a scale of fully, mostly, partially or not implemented. The latter will be given special consideration and discussed carefully with the targeted states.

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<sup>7</sup> OSCE/ODIHR *Handbook on the Follow-up of Electoral Recommendations, Guidelines for Reviewing a Legal Framework for Elections, Handbook for the Observation of Voter Registration, Handbook on Media Monitoring for Election Observation Missions, and Guidelines on Population Registration*. See: <http://www.osce.org/odihr/elections/119893>.

To facilitate co-ordination and communication among various electoral stakeholders the action will organise review meetings in each targeted IPA II beneficiary that undertakes reforming (meaning up to a total of 6 visits). These meetings will also serve as a platform to push for more intensified efforts in implementing any outstanding recommendations.

Expected outputs of this activity are:

- Reports of mid-term review visits
- Supporting documents assessing implementation of recommendations
- Letters to targeted IPA II beneficiaries highlighting any additional steps that should be considered ahead of future elections

### 3. Mobilizing support for electoral reform at the regional level

#### Activity 3.3 Multi-beneficiary events

The action will hold two one-day regional events for up to 80 participants each. The events will target state and civil society representatives from each of the targeted IPA II beneficiaries. The precise locations will be decided at a later stage, but at least one would be in Warsaw. The first event will take place during the first six months of the action, the second event will take place in the last six months of the action. OSCE/ODHIR would take efforts to ensure a broadly similar group of participants for both of the roundtables to ensure continuity.

The aim of the first event is to promote greater awareness of the importance of follow-up of electoral recommendations. The second event will focus on reviewing the extent of follow-up over the action duration, evaluating the success of different methods, identifying good practices from across the region, and proposing recommendations for future follow-up. During these events OSCE/ODHIR will further promote its methodologies through dissemination of key publications and handbooks.

#### Timeline

Action activities will be structured around the emerging political calendar, including upcoming elections and existing electoral reform agendas in each of the participating States, as well as requests for assistance from the targeted IPA II beneficiaries. For this reason, it is not possible to develop in advance a precise schedule of activities.

The table below shows the calendar of upcoming elections during the action timeline in the targeted IPA II beneficiaries, as currently scheduled. Based on this calendar, it is expected that the former Yugoslav Republic of Macedonia and Albania will be prioritised for immediate assistance and activities may still take place as early as late 2016.

	<b>Parliamentary Elections</b>	<b>Presidential Elections</b>	<b>Local Elections</b>
Albania	2017	-	2019
Bosnia and Herzegovina	2018	2018	2016
The former Yugoslav Republic of Macedonia	2016	2019	2017
Kosovo	2018	2020	2018
Montenegro	2020	2018	2018
Serbia	2020	2017	2020

Follow-up should ideally start as soon as possible after an electoral process has concluded. Within the electoral cycle, the time period immediately following the completion of an election is usually best suited to addressing electoral components, including fundamental changes to the legal framework, voter registration and the election administration.

## RISKS

Addressing electoral recommendations is complex and involves a variety of actors. A number of reasons can be identified as to why participating States may be unwilling or unable to follow up on electoral recommendations. The table below summarises the key risks and mitigation strategy for managing and minimising them. An indication, High (H), Medium (M) or Low (L) is given to indicate both their likelihood and potential impact on the project. Overall the major risks posed by this action are of a political nature. There are no significant organisational or security related risks.

<b>Risk</b>	<b>Impact L/M/H</b>	<b>Likelihood L/M/H</b>	<b>Management</b>
Targeted IPA II beneficiaries do not engage in electoral reform or do so in a manner that lacks good faith and genuine commitment.	H	M	Currently the level of commitment to electoral reform is relatively high in the targeted IPA II beneficiaries, including two high profile processes currently underway in Albania and the former Yugoslav Republic of Macedonia. Reform efforts are likely to intensify after the next electoral events in the other targeted IPA II beneficiaries.
OSCE/ODIHR is not invited to support follow-up activities in the targeted IPA II beneficiary	H	L	OSCE/ODIHR enjoys longstanding relations with all targeted IPA II beneficiaries and has engaged in follow-up activities with each targeted IPA II beneficiary previously (with the exception of Kosovo).  OSCE/ODIHR will work with other international actors to mobilise support for and promote the importance of electoral reform ODIHR support to the follow-up of recommendations, including through EU delegations and EU reporting mechanisms.
Unforeseen political instability or electoral developments, including parliamentary boycotts or the calling of early elections.	M	M	The bulk of action activities are relevant for the entire electoral cycle and would not be impacted by, for example, delays in the electoral calendar. However, the announcement of early election would likely lead to OSCE/ODIHR follow-up activities being curtailed, with activities stopping at the latest at the time of the Needs Assessment Mission ahead of a potential election observation activity. Such Needs Assessment Missions occur some 6 months ahead of election day.  A boycott of parliament or other forms of political instability may hinder opportunities to work on electoral reform, leading to possible delays or the cancellation of planned activities.  To mitigate against this, OSCE/ODIHR encourages early electoral reform and with a wide and inclusive number of stakeholders.

			In addition, it is important to maintain OSCE/ODIHR's position as an objective, impartial, neutral and independent facilitator.
Lack of professional expertise among stakeholders to address recommendations.	M	L	This risk will be addressed by providing technical expertise and presenting good practice from across the OSCE region.
Lack of financial resources on the side of the beneficiaries to implement reforms that require significant infrastructural changes	M	L	Most electoral recommendations can be addressed without the commitment of extensive financial resources. At times, a recommendation may require additional financial resources, for example, in structural reforms to population and voter registration. OSCE/ODIHR will co-operate closely with other international actors that may provide financial assistance to encourage that any reforms be in line with prior OSCE/ODIHR recommendations and OSCE commitments.

## CONDITIONS FOR IMPLEMENTATION

All targeted IPA II beneficiaries have had recent elections observed by the OSCE/ODIHR (by the EU in Kosovo), resulting in a detailed assessment and series of recommendation. Alongside a request for support from the participating States and the tasking of a lead agency to manage the follow-up, this constitutes the key conditions for OSCE/ODIHR to engage with a targeted IPA II beneficiary and implement the action.

It is important that there is general will by domestic stakeholders to improve the election framework to bring the latter in line with the EOMs recommendations.

An additional condition to be noted is that the targeted IPA II beneficiaries have sufficient stability regarding their electoral cycles (including the potential scheduling of early elections), so as to provide for the delivery of assistance in a timely and considered manner in the intervening period between elections.

OSCE/ODIHR will prioritize the follow-up assistance according to the needs and interests of the participating IPA II beneficiary, the time available before the next election and the resources available for the implementation of the action.

## 3. IMPLEMENTATION ARRANGEMENTS

### ROLES AND RESPONSIBILITIES

#### OSCE/ODIHR

Established in 1991, the ODIHR is the specialized institution of the OSCE dealing with the following areas: democratic elections, respect for human rights, tolerance and non-discrimination, and the rule of law ([www.osce.org/odihr](http://www.osce.org/odihr)). OSCE/ODIHR is the leading agency in Europe in the field of election observation and its unique methodology provides an in-depth insight into all elements of an electoral process, and permits to make concrete recommendations to further improve electoral processes. OSCE/ODIHR has pioneered approaches to election observation follow-up as an approach which contributes to the building of democratic institutions – this expertise is in fact recognised in the 2015 Enlargement Strategy Paper.

#### **Institutional stakeholders in addressing electoral recommendations:**

Addressing electoral recommendations is complex and involves a variety of actors. These may include executive offices of the government for defining national policy, parliaments for legislative development,

EMBs and other state agencies for elaborating administrative procedures, and non-state actors such as political parties, media and CSOs in the review of internal policies and in the advocacy and monitoring of broader reforms, as well as international organizations and OSCE field operations. The main stakeholders will vary depending on the particular activity and the participating State targeted.

**Co-ordination arrangements:**

Co-ordination with national counterparts is essential for comprehensive, effective and sustainable follow-up. OSCE/ODIHR will encourage the authorities to task a lead agency to co-ordinate institutions, promote the implementation of recommendations and facilitate information exchange and discussion among election stakeholders. The lead agency may be a parliamentary commission, a special task force, a working group comprising a range of electoral stakeholders or an EMB. The lead agency would be the primary contact point for OSCE/ODIHR in any follow-up activities.

**IMPLEMENTATION METHOD(S) AND TYPE(S) OF FINANCING**

**Organizational structure and the team proposed for the implementation of the action:** Under the supervision and guidance of the Head of the Election Department, a Follow-up Action Co-ordinator will be recruited to oversee this action, in close co-ordination with three Senior Election Advisers and six Election Advisers. The Senior Election Advisers currently oversee the work and reporting of Election Advisers in respect of follow-up activities within the targeted IPA II beneficiaries that have been assigned to their responsibility.

Should external experts be recruited to work on specific follow-up activities they will report to the corresponding Election Adviser. Administrative duties, including travel and contracting, will be conducted by an additionally-hired administrative staff. The Election Department will co-ordinate with other ODIHR departments when their expertise adds value to a given follow-up activity, particularly with the Democratization Department to draw on its experience with population registration. ODIHR will also closely co-operate with OSCE field operations in each of the targeted IPA II beneficiaries.

**Main means proposed for the implementation of the action:** Conference venues and meeting spaces may need to be rented on an ad hoc basis for specific activities. OSCE/ODIHR does not require additional office space or equipment at its headquarters in Warsaw.

The action will be implemented on a direct management basis through a grant with the OSCE/ODIHR to be signed in Q1 2017 for an EU contribution of EUR 1.4 million. The direct award is based on Article 190 (1)(f) of the Rules of Application, since a particular type of body on account of its technical competence and its high degree of specialisation is required.

**4. PERFORMANCE MEASUREMENT**

**METHODOLOGY FOR MONITORING (AND EVALUATION)**

The European Commission may carry out a mid-term, a final or an ex-post evaluation for this action or its components via independent consultants, through a joint mission or via an implementing partner. In case a mid-term or final evaluation is not foreseen, the European Commission may, during implementation, decide to undertake such an evaluation for duly justified reasons either on its own decision or on the initiative of the partner. The evaluations will be carried out as prescribed by the DG NEAR guidelines for evaluations. In addition, the action might be subject to external monitoring in line with the European Commission rules.

**Procedures for follow up and internal/external evaluation:**

ODIHR engages in systematic and rigorous monitoring of all its projects. The standard practice of action monitoring includes:

- Preparing and finalizing detailed work plans for the projects

- Designing and applying tools for regular collection, recording and analysis of information needed to measure indicators
- Using monitoring tools and analysis of information gathered during the action implementation to regularly review and document its process, efficiency and effectiveness
- Organizing Start-up/Planning, quarterly and ad-hoc Action Progress Review and Close-out Meetings of the action team, which are facilitated by the ODIHR’s Action Co-ordination Unit.

OSCE/ODIHR’s internal quality assurance components applicable to this action include:

1. Stakeholder consultations throughout the action
2. Implementation of well-established and verified methodologies
3. Rigorous pre-implementation planning
4. Ensuring professional qualifications of experts selected participate in follow-up activities
5. Comprehensive briefing programme for follow-up experts, and
6. Robust reporting processes.

More specifically, the Monitoring and Evaluation modalities for this action will be:

**Activity monitoring:** The action team will track the implementation of activities as listed in this action proposal and based on detailed planning during the inception phase. The team will maintain the records of events (agendas, participant lists, event reports, etc).

ODIHR will host an **annual meeting with DG NEAR**, as well as other donors and relevant stakeholders, to review implementation and discuss priorities for the next year. As beneficiaries of the action, the authorities of the IPA II beneficiaries will be consulted and involved throughout the process of implementing the action.

**Results monitoring:** The action will introduce a tracking system on the number of electoral recommendations formulated and followed up in the target IPA II beneficiaries.

**Cost monitoring:** To verify if expenditure is within the limits of the budget and cash flow projections action progress versus expected results and timelines, expenditures versus budget, and upcoming plans.

**Participation of women and politically under-represented groups:** The monitoring system will track the number of women and other politically under-represented groups participating in the action activities.

**Interim review:** A review will be undertaken approximately 9-18 months before next scheduled elections in a given IPA II beneficiary to assess the results to date and ensure that learning takes place to support improvements and modifications to the work-plan where appropriate. The review will be conducted in a participatory manner through in-country mid-term visits.

**Final event:** The action will organise a multi-stakeholder event, during which lessons and suggestions for improvement will be identified and documented.

**External Evaluation:** The action will engage external evaluators who will, through desk research and phone interviews and/or survey, independently evaluate the action. The evaluators will be invited to Warsaw to conduct interviews with the key action staff.

The action management will use the results of continuous action monitoring to ensure that any decisions on adjustments to the action are made in a timely and effective manner, that action accomplishments and lessons learned are duly recorded, and that flexibility is applied to ensure follow-up activities are needs-based, timely and complementary to the actions of others.

OSCE/ODIHR will report to the Commission (DG NEAR) in the context of its regular extra-budgetary reporting, and can also update the Permanent Council regarding the use of the action's funds as part of its overall reporting on election-related activities.

## INDICATOR MEASUREMENT

Indicator	Baseline (value + year)	Target 2020	Final Target (year)	Source of information
MCSP indicator (impact/outcome)...(1)				
<p>Specific objective: % of OSCE/ODIHR and EU EOM's recommendations implemented by the targeted IPA II beneficiaries</p> <p>Degree of implementation on each specific recommendations in the thematic areas of election management, voter registration and media oversight</p>	<p>The baseline will be established during Activity 1.2 through compilation of relevant recommendations and their current status of implementation</p>	<p>At least 50% of electoral recommendations in the thematic areas of election management, voter registration and media oversight are implemented in an inclusive manner and sufficiently in advance of the next elections</p>	<p>At least 50% of electoral recommendations in the areas in the thematic areas of election management, voter registration and media oversight are implemented in an inclusive manner and sufficiently in advance of the next elections</p>	<p>Electoral recommendation database.</p> <p>Assessment will be made by ODIHR experts based on mid-term visits, consultation meetings, as well as expert evaluation of regulatory framework etc</p>
<p>For all results:</p> <p>1) Degree of implementation of recommendations for election management, voter registration and media oversight</p> <p>2) Number of electoral stakeholders participating from activities under all thematic areas (consultations, meetings, workshops, other events)</p> <p>3) Number of reports produced under all thematic areas (strategic plans, reports, reviews and analysis)</p>	<p>1) baseline will be established during Activity 1.2</p> <p>2) 0</p> <p>3) 0</p>	<p>1) At least 50% implemented</p> <p>2) 1,260</p> <p>3) 80</p>	<p>1) At least 50% implemented</p> <p>2) 1,260</p> <p>3) 80</p>	<p>1) Assessment will be made by ODIHR experts based on mid-term visits, consultation meetings, as well as expert evaluation of regulatory framework etc</p> <p>2) List of participants of events and list of interlocutors for meetings, reviews, expert advice</p> <p>3) Copies of documents</p>

## 5. CROSS-CUTTING ISSUES

### GENDER MAINSTREAMING

Gender issues permeate all aspects of an electoral process and are therefore an integral part of an Election Observation Mission's work, electoral recommendations and follow up process. There are a number of specific OSCE commitments to advance the equal participation of men and women in political life, including during electoral reform.<sup>8</sup> OSCE/ODIHR has also published a specific *Handbook for Monitoring Women's Participation in Elections*.<sup>9</sup>

According to OSCE/ODIHR election observation reports, women remain underrepresented in the electoral playing field in the targeted IPA II beneficiaries and advancing the equal participation of women in public life is still very much a work in progress. Women continue to be under-represented as electoral administrators, voters, and candidates. Gender considerations will be taken into account for each thematic result area. Some key considerations include:

- So far as election administration is concerned: To what degree do women truly function as leaders and decision makers in election administration bodies? To what extent are election management bodies at all levels aware of gender considerations and take them into account in their work, for example when conducting voter education campaigns.
- So far as voter registration is concerned: what are the factors that may disadvantage women with regard to registering as voters (including voting registration systems and procedures, the effectiveness of public information campaign about voter registration and the right to vote).
- So far as media and elections thematic area is concerned: Beyond the question of equal access, what is the actual quantity and quality of media coverage of women candidates is (for example whether they present women in a manner that promotes public confidence in their capacity as leaders).

The action will consider at each step how the process and outcomes of electoral reform will address potential shortcomings, and advocate for such measures that will promote gender equality in an electoral process and more broadly in public life.

### EQUAL OPPORTUNITIES

An equal opportunities approach will be included in all elements of the project. Specific measures in design, implementation as well as during the monitoring and evaluation process will include:

- Ensuring both men and women, minorities and vulnerable groups (as described in the next section), are consulted during consultation and planning visits, workshops, in-depth assessments, mid-term review visits, and evaluation meetings.
- All activities will aim to systematically and formally address the specific and often different concerns of both women and men, and under-represented groups
- The action will encourage the participation of women in its activities, aiming for at least 30 per cent women participants in its events
- Activities will take place nationwide and region-wide to ensure the access of national minorities and other under-represented actors

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<sup>8</sup> See the 2009 OSCE Ministerial Council Decision on Women's Participation in Political and Public Life, paragraph 40 of the 1991 OSCE Moscow Document, and paragraph 23 of the 1999 OSCE Istanbul Document.

<sup>9</sup> See: <http://www.osce.org/odihr/elections/13938>.

- During monitoring and evaluation the data will be collected in a disaggregated manner (e.g. by gender, disability).

Additionally, OSCE/ODIHR will take appropriate steps to ensure equal opportunities for women and other groups to participate in the action as action staff and experts. The expert teams will be balanced and the teams will have adequate gender expertise.

## **MINORITIES AND VULNERABLE GROUPS**

OSCE/ODIHR has integrated the assessment of national minorities and other politically under-represented groups' participation - including persons with disabilities – into its overall election observation methodology and electoral recommendations. Given the importance of the issue in the context of the targeted IPA II beneficiaries, the action will take full account of how the electoral reform will affect national minorities and persons with disabilities and whether their participation in the electoral reform process will be facilitated or hindered.

Given the thematic focus of the projects some key considerations will be:

- So far as election administration is concerned: To what extent are election management bodies at all levels aware and have capacity to address these issues, including in the equitable composition of EBMs, provision of voter information in minority languages, and access to polling locations.
- So far as voter registration is concerned: whether any national minorities and other groups face any particular obstacles in registering to vote or in being included in voter lists. This includes voter information in minority languages and access for persons with disabilities to voter registration locations and services.
- So far as media and elections thematic area is concerned: do the media provide adequate access for national minorities and other groups. Does the media play a positive role in promoting pluralism and tolerance in a society, in overcoming discrimination and fighting racism.

## **ENGAGEMENT WITH CIVIL SOCIETY (AND IF RELEVANT OTHER NON-STATE STAKEHOLDERS)**

Civil Society organisations and in particular citizen observer groups, human rights organisations, women groups, national minorities groups and the media play essential roles in electoral reform processes. They typically undertake comparative research, conduct public consultations, lead advocacy programmes and submit proposals for electoral reform. They can also play an important role in raising public awareness about changes and monitoring their implementation.

For these reasons, engagement with civil society and media will be a key component of the project. Specific steps for engagement will include consulting these groups during consultation and planning visits, seeking their participation in the action activities including in the workshops. The action will also undertake regular assessments of their views on the inclusiveness and transparency of the follow-up process, as well as the status of implementation of recommendations. This, in turn, will be used to identify areas where improvement is still needed.

ODIHR has published a *Handbook for Domestic Observers* and the *Handbook on the Follow-up of Electoral Recommendations* specifically and consistently references the role of civil society in follow-up activities.<sup>10</sup> ODIHR also has strong working relations with a broad range of citizen observer organizations within the target states, including collaboration in recent follow-up activities. ODIHR will utilise these existing contacts, as well as harness co-operation through the framework of the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations, which has now been endorsed by more than 250 organizations including many within the target states. This Declaration includes a specific commitment to provide “appropriate recommendations for obtaining genuine democratic elections”, and to advocate “for improvements in legal frameworks for

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<sup>10</sup> All ODIHR election observation handbooks are available at: <http://www.osce.org/odihr/elections/119893>.

elections, their implementation through electoral related administration and [the] removal of impediments to full citizen participation in electoral and political processes”

## **ENVIRONMENT AND CLIMATE CHANGE (AND IF RELEVANT DISASTER RESILIENCE)**

The action does not have a direct link to EU environmental acquis nor does the action have a direct environmental impact in terms of its objectives or target groups.

Climate action relevant budget allocation: EUR 0.
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## **6. SUSTAINABILITY**

Sustainability of action results has already been explicitly addressed from the earliest stages of action design, by ensuring local ownership and emphasizing capacity building. While OSCE/ODIHR will assist the targeted IPA II beneficiaries through follow-up activities, the overall process will be internally driven and the implementation mechanisms will be responsive to the needs of the beneficiaries. The action will therefore support sustainable electoral management capacities, throughout the electoral cycle and as part of their long term institutional development.

Several planned activities are sustainable by their nature, for example, the development of systems and procedures at policy level. Immediate interventions targeted at specific electoral events (for example, re-scheduled elections in the former Yugoslav Republic of Macedonia) might be less so, but will nonetheless be conducted in an overall context of long-term institutional and electoral reform.

The sustainability of the action will be strengthened by activities geared towards mobilizing genuine support and demand for electoral reform and effective follow-up of electoral recommendations. Key features of the action are inclusive consultations aiming at building consensus on the reform process to encouraging inclusive participation in the process and acceptance of the outcomes.

Further, sustainability will be secured through synergies created with other relevant technical assistance providers present in the targeted IPA II beneficiaries, which may include the European Commission, the Council of Europe, the United Nations Development Programme (UNDP) and others, with whom ODIHR already enjoys productive co-operation on the issue of electoral follow-up. Through such collaborative efforts, OSCE/ODIHR is able to maximize its resources. After completion of this action, the OSCE/ODIHR will continue work with the targeted IPA II beneficiaries as part of its ongoing programmes; in the elections field as well as on a wide range of democratisation and human rights issues.

## **7. COMMUNICATION AND VISIBILITY**

Communication and visibility will be given high importance during the implementation of the project. The communication activities will be geared towards underlining OSCE/ODIHR’s position as an independent and impartial assistance provider so as to ensure strong relationships and continued trust with stakeholders. For this reason, OSCE/ODIHR activities will be communicated as standard OSCE/ODIHR activities, while noting that they were supported through European Union funding.

OSCE/ODIHR communications will also promote the overall transparency of the reform process and strengthen general public awareness and support of interventions by engaging with civil society actors and national media. Information regarding the action activities will be communicated on OSCE/ODIHR’s website, through briefings, and in its reports.