



“The EU support modalities for upholding election integrity in the Western Balkans”

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LEARNING OBJECTIVES

- To explain election standards guaranteeing election integrity in view of the 1993 Copenhagen criteria
- To examine the EU support modalities for election integrity in view of the EU integration prospects of Western Balkans

Photo: OSCE/Maria Kuchma ID 424961 North Macedonia, 2019



IMPORTANCE OF ELECTION INTEGRITY

“The European Union is not complete without the Western Balkans. A credible enlargement policy is an investment in peace and security for the whole of Europe, even more so in times of increasing global challenges.”

**EU High Representative
Josep Borrell**

- *“...election based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements, and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle.” –elections integrity definition*
- http://robin-mission.blogspot.com/2010_04_01_archive.html



COPENHAGEN CRITERIA BACK TO THE BASICS

-Criteria defined in the European Council's Declaration in Copenhagen in 1993

- Not to be confused with the OSCE 1990 Copenhagen document setting out the political commitments to abide by fundamental democratic principles and HR protection

- The 1993 Conclusions of the Presidency set forth the criteria for the EU membership, including:
*“...that the candidate country has achieved **stability of institutions guaranteeing democracy, the rule of law...**”*
- The Union's **absorption capacity** has been also mentioned in the Copenhagen criteria.

DEMOCRACY AND THE RULE OF LAW

- **Multiparty democracy**
- **Human rights /election rights**
- **The rule of law**
- **Democratic political culture**
- Sources for European election standards
- There is no single treaty containing the election standards
- European Electoral Heritage

EUROPEAN ELECTION STANDARDS

- **Legal obligations** EU documents
European Convention on Human Rights
- **Political commitments** European Charter of local self Government
OSCE commitments
- **Good practice** Code of good practice in electoral matters

EUROPEAN CONVENTION ON HUMAN RIGHTS AND ITS CASE LAW

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

Article 3 of Protocol No. 1– Right to free elections

- 1. Qualified rights**
 - 2. Interference must be lawful**
 - 3. Legitimate aims:
preventing crime,
protection of the rule of
law, national security,
language arrangement**
 - 4. Proportionality**
- Balancing between the rights
of individual and public good**

ELECTION FRAUD AND REMEDIES – ECTHR CASE LAW

- **Namat Aliyev v.
Azerbaijan**

A lack of adequate and effective remedy

- **Kerimova v.
Azerbaijan**

Annulment of the elections to the detriment of the winning candidate who did not participate in the irregularities



CASE-LAW FROM THE WESTERN BALKANS

**-The right to stand
as a candidate**

**-The right to be
autonomous and
independent for
elected MPs**

**-Elections of a
legislature**

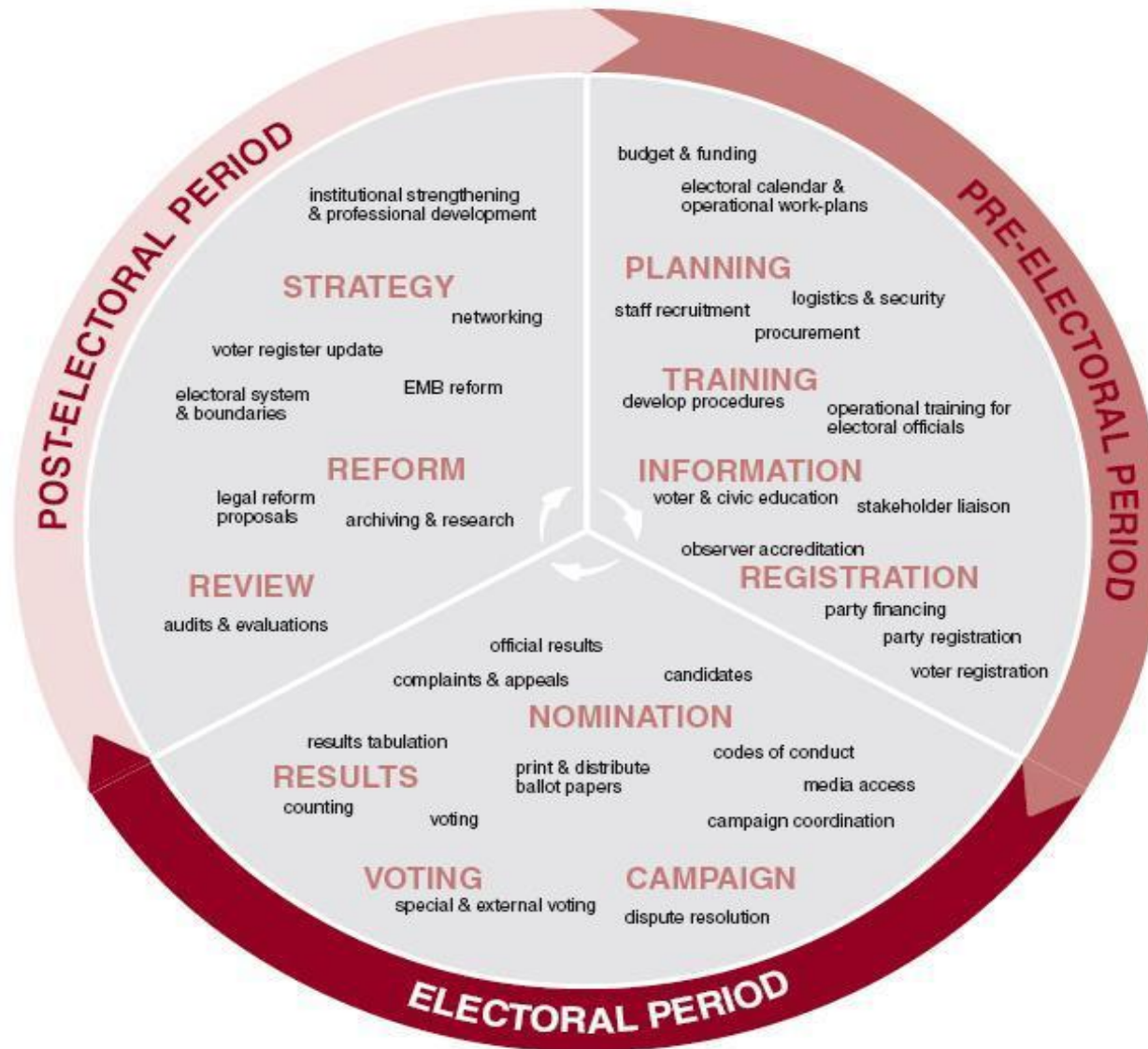
- **Sejdić and Finci v.
B&H**
- **Paunović and
Milivojević v. Serbia**
- **Ljube Boshkovski v.
North Macedonia**

OSCE/ODIHR ELECTION OBSERVATION

What are the
common
recommendations
from the
OSCE/ODIHR
election
observation
reports for W.
Balkan?

- A lack of follow-up to recommendations
- Stability of election laws
- Accuracy of voters' lists
- Biased media coverage
- Problems with transparent campaign funding
- Voters' intimidation and votes' buying

ACE ELECTORAL KNOWLEDGE NETWORK - ELECTION CYCLE



OSCE ELECTION COMMITMENTS

-free elections that will be held at reasonable intervals by secret ballot or by equivalent free voting procedure, under conditions which ensure in practice the free expression of the opinion of the electors in the choice of their representatives

Copenhagen document

- Free elections
- Universality and non-discrimination
- Equal Suffrage
- Secret vote
- Regular intervals
- Direct suffrage
- The will of the people must have been freely expressed

EU SUPPORT MODALITIES DEMOCRACY IN ACTION

What does EU
do to help
candidate
countries uphold
election
integrity ?

- Commission's monitoring reports
- EU election observations and Western Balkans
- Electoral programmes for assistance
- Dialogue, diplomacy & facilitations

FROM THEORY TO PRACTICE

What is done and what needs to be done?

1. Threats

- Democratic backsliding
- Liberalisation of election outcomes
- Captured states
- Internal tensions
- Competitive authoritarianism
- Organised crime

2. Advantages

- Multiparty democracy
- Electoral practice of almost 30 years—regular elections
- Greater representation of women and minorities
- Gradual improvements of election laws
- Informed voters
- Collective learning

FINAL REMARKS

<https://www.youtube.com/watch?v=egfTD6-5mYM>
[2015](https://www.youtube.com/watch?v=egfTD6-5mYM)

<https://www.youtube.com/watch?v=SZ-w0tihMtQ>

Q&A

Comments

- Elections with integrity are indispensable, but insufficient to guarantee, *per se*, the stability of democratic institutions.
- Election integrity matters first and most for the people of the Western Balkans who do not deserve less than elections in compliance with democratic election standards.
- Nurturing legal and political democratic culture is the key to sustainability of all the efforts invested into elections with integrity in the Western Balkans.