MEMORANDUM

To: Director, PSD

From: The Director General

Cc: The Deputy Director General
            DGO
            MMS
            MPRP
            OIG

Date: 29 October 2001

Subject: **Evaluation of External Voting Programmes: An Analysis of IOM's Role in Kosovo**

_____

Please find attached the completed evaluation of External Voting Programmes in Kosovo, which I have now cleared and am forwarding to you. You will also find attached to this memorandum a proposal from OIG/Evaluation outlining responsibility and the timeframe for follow-up on each of the recommendations made. I am endorsing this proposal, and am forwarding it to you for action.

Please send me your follow-up reports on the relevant recommendations and proposed actions by the due dates indicated.

Evaluation of External Voting Programmes:
An Analysis of IOM's Role in Kosovo

Proposal for follow-up on Recommendations

The Department/office listed below has overall responsibility for follow-up on a given Recommendation but may need to involve other Departments/Offices

1) OPERATIONS, ADMINISTRATION AND STAFFING

Action : PSD - 15 December 2001

Conclusions and Recommendations:

The OKR/OKV programmes were well administered and managed. Previous experience played a key role in the design and execution of the registration process, and ensured that IOM met the obligations of the MoUs with UNMIK and OSCE. IOM quickly identified staff and began field operations within the time frame required by UNMIK. Where problems emerged, the concerned parties promptly and professionally addressed them.

- *Role of EPC* – The EPC is the logical home for external voting operations conducted in the context of post-conflict peace settlements. The unit has significant experience in electoral operations and contains sufficient flexibility to meet the time-critical needs of an election. IOM should institutionalize this experience through continued training and participation of EPC staff in electoral conferences and symposia. In addition, EPC should highlight its activities in this field to secure donor support for continued training and capacity building.

- *Role of Existing IOM country Missions* – Existing IOM country Missions have played a crucial role in supporting IOM's external voting operations. The nature of these contributions should be publicly acknowledged and highlighted in IOM's negotiations with other agencies over MoUs. However, care must be taken to ensure that external voting operations do not overwhelm or interfere with existing operations and other on-going programmes.

- *Relationship with EC and AEC* – IOM's electoral capacities have been greatly facilitated by its evolving relationship with Elections Canada and the Australian Electoral Commission. Staff recruited from these agencies have served as regional and country representatives, elections supervisors (in East Timor) and several very senior positions (including the Project Director in Vienna) in the Kosovo operations. Elections Canada and the Australian Electoral Commission are internationally renowned for their technical expertise and operational competence.

- *The Pristina Liaison Office* – No major external voting operation should be undertaken without an IOM presence in the electoral headquarters. The LO serves three core functions: First, a calm and diplomatic presence smoothes the working relationship between IOM and OSCE; Second, procedural and training skills ensure that the programme mirrors as closely as possible the in-country process; Finally, the LO monitors the field situation, both from the perspective of the country representatives and the existing IOM missions, which provide insight into political dynamics and other issues which can potentially affect the operation.

2) MANAGEMENT OF ELIGIBILITY CRITERIA AND INTEGRITY OF THE PROCESS

Action : PSD - 15 December 2001

Conclusions and Recommendations:

Despite problems associated with the stringency of the criteria and the corresponding low numbers of registrants, IOM managed the process within the parameters of the rules and regulations. IOM is not in a position to question the

political decisions taken related to these criteria, and the statistics prove that it faithfully implemented them. IOM's management of the eligibility criteria met the terms of a transparent electoral exercise.

- *The key to electoral transparency is a well-managed registration process.* Particularly for the by-mail component, the potential for fraud is larger during this phase than at any other time during the elections cycle.

- *IOM should be more pro-active in advancing issues related to eligibility criteria.* While the decisions on these issues are taken at a political level, IOM was aware of the documentation problems facing registrants as well as the large Kosovar Albanian Diaspora that was not eligible to participate. While IOM did raise these concerns with JRT officials in Pristina, they do not appear to have been addressed in a satisfactory fashion.

- *IOM should be especially cautious when implementing voter registration programmes that are not tied to an anchor*. Unfortunately, in the case of Kosovo, such an anchor simply did not exist, and therefore the programme went on without one. It is probably only a matter of luck that organized attempts to register ineligible Kosovars abroad did not materialize. However, given the very low level of successful registrants, such an attempt is probably more likely in future Kosovo elections.

- *IOM has other methods to detect and determine electoral fraud*. The above discussion is not meant to be alarmist. Despite the difficulties in gauging the legitimacy of photocopies and facsimiles of original documents, IOM now has a number of tools at its disposal to guard against this occurrence. Most importantly, the careful tracking of registration statistics can help determine whether or not by-mail registrations are suspicious. In addition, careful analysis of handwriting patterns and postal addresses can also be used to prevent fraud. These methods, however, need to be further refined.

3) TIMELINESS AND OPERATIONAL PLANS

Action : PSD   -   15 December 2001

Conclusions and Recommendations:

Despite the above constraints, IOM met all deadlines during the OKR programme and processed over 180,000 applications for registration, constituting close to 90% of the estimated by-mail registrants. However, 55% of the total by-mail applications were received during the final two weeks of registration, and a significant number of applications arrived after the close of registration and were thus unable to be processed. The OKV ultimately mailed out 37,000 ballot kits, and received over 20,000 acceptable ballots back in time to forward to Pristina. The operation was a success.

- *IOM must be proactive in ensuring the timely adoption of electoral rules and regulations*. It is imperative to have these decisions taken early in order to design the information campaign and systems for the registration process. While it is clear that IOM officials in Pristina LO did their best to maintain the attention of electoral officials, at a certain point, IOM must simply demand that decisions be taken or the operation will have to be postponed. It is particularly important to ensure that the CEC understands the needs of the external voting programme as well.

- *Nevertheless, IOM should be prepared to accept the fact that these decisions will be slow in coming.* IOM should enter any programme with systems in place to continue operations in the eventuality that rules and regulations or operational procedures are changed. With significant experience in external voting programmes and the resulting delays and confusions, IOM should be prepared and plan for the worst eventuality.

4) HOST-GOVERNMENT RELATIONS

Action : PSD - 15 December 2001

Conclusions and Recommendations:

Good relations with host-state governments are critical to ensuring the success of the in-person registration programme. These relations can range from superb (Albania, FYROM, and Montenegro) to difficult but functional (Croatia and FRY during BiH OCV programmes) to complete non-cooperation (FRY in 2000). Based on IOM's experiences, a number of generic observations can be made about how to ensure the best possible cooperation.

- *IOM regular missions are critical in facilitating government contacts.* These missions have good networks of contacts with governments and generally have excellent reputations in the provision of services relating to migration. Without these contacts, the ROs would find it difficult to manage the relationship in a neutral and non-partisan fashion. Furthermore, the missions play an instrumental role in resolving political difficulties and issues.

- *IOM must strive to ensure governments that the rules are being implemented uniformly*. Suspicions that rules and regulations are not being followed in third countries, or have been designed specifically to harm the interests of one ethnic group have plagued IOM registration activities. Government counterparts need to be constantly reminded that IOM serves only as a neutral implementer, and that the rules are identical, no matter where registration is occurring.

- *IOM must treat host-governments as equal counterparts in the elections process.* In some cases when the governments clearly attempted to circumvent the rules and regulations there has been a tendency to treat them with suspicion. However, a fine balance must be walked between ensuring electoral transparency and intruding into the affairs of a sovereign state. Ultimately, IOM is providing a service, not imposing one.

- *IOM should avoid having to negotiate political issues with government counter-parts.* When disagreements arise over rules and regulations, IOM can only serve as a transmission belt, passing these concerns along to the election administrators and providing timely replies to the government. If the government is not satisfied with answers, then the issue should be directed to the appropriate authorities in country. In the case of major political controversies, as in the Serb boycott or the Steering Committee in Montenegro, IOM must make it clear that it is not involved in convincing governments to participate. This responsibility lies with the election implementers.

5) RELATIONS WITH UNMIK AND OSCE

Action : PSD - 15 December 2001

Conclusions and Recommendations:

The negotiation of the MoUs with OSCE has been the most difficult element of the two organization's relationship. Ultimately, however, the imperative is to conduct a successful election, and any acrimony has yet to reach the level where operations have not been able to proceed. However, much time and effort are unnecessarily wasted during the negotiations, and a better mechanism to facilitate cooperation should be developed.

- *IOM should regularly observe meetings of the OSCE Permanent Council*. Operational staff in both organizations respond to signals from the respective secretariats, and when the secretariats communicate openly and in good faith, these issues will not distract the attention of project staff. Apparently IOM has, on occasion, been criticized in the OSCE Permanent Council, and no IOM staff were present to address the charges. Conversely, in the UN secretariat in New York, IOM maintains a full time liaison office, which is enormously helpful to the relationship.

- *IOM needs to be firm in response to unreasonable requests for OSCE oversight into its staffing and organizational procedures.* Oftentimes these problems stem from a misunderstanding over IOM procedures, which closely reflect the policies and procedures of the UN. However, it is best to respond to unreasonable requests through clear and written explanations

of the principal involved. IOM should also strive to ensure that it meets every request with a diplomatic response in a timely fashion. IOM staff should strive to understand the reasons for requests that it finds objectionable in order to arrive at a solution satisfactory to both parties.

- *IOM is both a partner and a contractor.* IOM is an international organization that must abide by the strict guidelines and rules agreed to by 86 member states, many of whom are also members of the OSCE. The organization meets the transparent and internationally recognized operational requirements of its members, and is routinely audited. However, in any contracting relationship, the contractee must adapt its procedures to meet the needs of the contracting agency to the greatest extent possible, even if the requests are unusual, time-consuming and seemingly redundant or ill informed. It is particularly important not to allow personal problems to influence the overall relationship. If serious problems emerge at that level, ultimately IOM will need to either replace its staff, or re-evaluate its desire to participate in the programme.

6) FINANCES AND COST-EFFECTIVENESS

Action :   PSD   -   15 December 2001

Conclusions and Recommendations:

- *Outside Funding*: IOM's move towards identifying funding outside of the MoU greatly increases its attractiveness as a project partner. Not only can it make IOM's costs associated with running the external voting programme appear smaller, it also allows for less-restricted sources of funding. Thus, the PRM bridging budget allowed the OKV office to remain functional over the winter of 2000 – 2001. Thus, when OSCE approached IOM to repeat the external voting programme for the 2002 Kosovo national assembly elections, staff and equipment were already in place. IOM is better equipped as a result.

- *Negotiating Budgets*: Despite the above, the PRM arrangement proved to be the exception, rather than the rule. IOM will most likely continue to rely on direct contributions from the OSCE and UN for future operations. The organization should develop a consistent budget estimating methodology, which details the average cost for by-mail voting programmes and stick to these figures. It is to be expected that organizations will bargain over costs. With a firmer basis on which to justify budget lines, IOM could hopefully avoid future hold-ups and disagreements over budgetary issues.

7) INFORMATION TECHNOLOGY COMPONENTS

Action: PSD   -   15 December 2001

Conclusions and Recommendations:

Despite the above problems, IOM ultimately delivered ballots to almost every single registrant, both in-person and by-mail. However, it is surprising that given the numerous electoral programmes undertaken in cooperation with the OSCE in recent years, that the recurring problems of data management have not been fixed. While primary responsibility for the IT component lies with OSCE, IOM

needs to be far more proactive in ensuring that a workable system is designed that meets the needs of the external voting programme.

- *Simplicity is key.* Given the difficult environment in which the IT programme must operate, every attempt should be made to avoid unnecessary complications in the system design and specification.

- *IOM should strive to retain control over the scanning, data entry, database management and database outputs.* This will assist in ensuring that both timely and accurate outputs are delivered to IOM, both for the registration checking and issue of ballots. The decision to move the data operation to Pristina was highly unfortunate. IOM lobbied hard to retain full control, but was ultimately over-ruled by JRT. However, this lesson appears to have been learned, as the 2001 OKR operation has retained full control.

- *If IOM does not retain control, it needs to have a full time database specialist in the elections headquarters.* Despite the best intentions and efforts of the IT department, it is likely that the external registration programme will not receive the required attention of programme administrators. Only a full time IT specialist, interacting with the OSCE IT department on a daily basis, can ensure the design of a proper system.

8) INFORMATION CAMPAIGN

Action : PSD   -   15 December 2001

Conclusions and Recommendations:

- *The cooperation of the Kosovar clubs and associations was the single-most important component to the success of the information campaign.* However, IOM should be careful in ensuring that the clubs implement their information campaigns in a neutral and non-partisan fashion. It could have been easy for the clubs to engage in a variety of fraudulent activities, including instructing their members how to vote, or even organizing fraudulent registrations through the by-mail programme. IOM should be especially vigilant about these club's activities, especially those that played

a role in organizing and financing the KLA activities in Kosovo during the fighting.

- *MoUs with host-state governments must clearly detail the public information obligations of the governments and specify the role of IOM in overseeing the information campaign.* The obligations assumed by these governments under the MoUs have been a frequent source of misinterpretation and misunderstanding. Ensuring that the roles and responsibilities are clearly laid out can avoid these problems

- *IOM should ensure that voter information extends beyond technicalities, and includes elements of candidate/party platforms and information.* This information is critical to ensuring that voters are correctly informed and understand for whom they will be voting. It not only improves the capacity of voters to select their candidates/positions, but also is a basic element of any free and fair democratic process. At times IOM has cooperated with OSCE to provide this information, at other times this element has been ignored. IOM should always strive to include this service in its operations

9) INSTITUTIONALIZING EXTERNAL VOTING IN IOM

Action: PSD -   15 December 2001

In order to continue and build upon IOM's involvement in external voting the organization should consider mechanisms to institutionalize its substantial expertise and knowledge. Currently the approach to external voting is ad-hoc, and is housed with the EPC unit in Geneva. Given the current emphasis on refugee elections, this is the logical home for external voting as the programmes are irregular and require rapid response and flexibility. In terms of technical cooperation, the Migration Management Services Department could take a lead role in working with countries to identify needs, priorities, and possible IOM activities in relation to external voting, to the extent that governments are interested in using IOM services. The main issues to be addressed include:

- Research on best practices and policy issues;
- Research and analysis on country-specific issues;
- Networking with other agencies and individuals with substantial knowledge and or interest in this area;
- Presenting IOM's capabilities to electoral authorities in states which might benefit from IOM assistance and technical cooperation;
- Networking with possible donors;
- Creating an external voting library in Geneva;
- Maintaining the roster of available special contractors to work on future operations.