

Thursday 8 May 2008

151. Acknowledges the work of its Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, and the report of that Committee resulting in the resolution in that regard adopted by Parliament on 14 February 2007 ⁽¹⁾; requests the European Union and Member States to work together at all levels to expose and denounce the practice of extraordinary rendition now and in the future; calls, in this respect, on the Commission to report back to Parliament on the answers to its letter of 23 July 2007 to the Polish and Romanian Governments requesting detailed information about the outcome of the inquiries which took place in both countries and on the results of the questionnaire sent to all EU Member States on their respective counter-terrorism legislation, as announced in plenary in September 2007;

*

* *

152. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the candidate countries, the United Nations, the Council of Europe, the Organization for Security and Cooperation in Europe and the governments of the countries and territories mentioned in this resolution.

⁽¹⁾ OJ C 287 E, 29.11.2007, p. 309.

EU Election Observation Missions

P6_TA(2008)0194

European Parliament resolution of 8 May 2008 on EU election observation missions: objectives, practices and future challenges (2007/2217(INI))

(2009/C 271 E/03)

The European Parliament,

- having regard to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in particular Article 25 thereof,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms and to the OSCE commitments agreed upon in Copenhagen in 1990 and at the Istanbul Summit in 1999, at which all OSCE participating States committed themselves to invite international observers, and specifically the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), to their elections,
- having regard to the African Charter on Human and Peoples' Rights and to the American Convention on Human Rights,
- having regard to the Declaration of Principles for International Election Observation and the Code of Conduct for International Elections Observers commemorated at the United Nations in New York on 27 October 2005,
- having regard to all agreements between the EU and third countries and the human rights and democracy clauses contained in those agreements,
- having regard to Articles 3, 6 and 11 of the EU Treaty and Articles 3, 177, 179 and 181a of the EC Treaty,
- having regard to the Charter of Fundamental Rights of the European Union proclaimed in Strasbourg on 12 December 2007 ⁽¹⁾,
- having regard to Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide ⁽²⁾ (EIDHR),

⁽¹⁾ OJ C 303, 14.12.2007, p. 1.

⁽²⁾ OJ L 386, 29.12.2006, p. 1.

Thursday 8 May 2008

- having regard to the Commission Communication on EU Election Assistance and Observation of 11 April 2000 (COM(2000)0191),
 - having regard to its resolution of 15 March 2001 on the Commission Communication on EU Election Assistance and Observation ⁽¹⁾,
 - having regard to the EU guidelines on electoral observation ⁽²⁾ and the EU guidelines on common criteria for the selection of electoral observers ⁽³⁾,
 - having regard to the Council document on election assistance and observation ⁽⁴⁾,
 - having regard to its resolution of 25 April 2002 on the Communication from the Commission on the European Union's role in promoting human rights and democratisation in third countries ⁽⁵⁾,
 - having regard to the EU Annual Reports on Human Rights,
 - having regard to its annual reports on human rights in the world,
 - having regard to the resolution of the ACP-EU Joint Parliamentary Assembly (ACP-EU JPA) of 21 November 2007 on elections and electoral processes in ACP and EU countries ⁽⁶⁾,
 - having regard to the decisions of its Conference of Presidents of 8 November 2001 establishing the Election Coordination Group (ECG) ⁽⁷⁾, of 12 May 2005 on implementing provisions governing election observation missions ⁽⁸⁾, of 21 September 2006 implementing provisions governing the work of delegations ⁽⁹⁾ and of 8 June 2006 on guidelines for European Parliament election observation delegations ⁽¹⁰⁾,
 - having regard to the preliminary statements and final reports of EU election observation missions (EU EOMs) and to the reports of its election observation delegations,
 - having regard to the Annual Reports of the ECG,
 - having regard to Rule 45 of its Rule of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinion of the Committee on Development (A6-0138/2008),
- A. whereas elections must be organised in accordance with internationally recognised standards,
- B. whereas the Universal Declaration of Human Rights states that the right to elect freely chosen representatives in secret, in periodically held genuine elections, on the basis of universal and equal suffrage, is one that all citizens should enjoy, that right being also enshrined in all other main international and regional human rights instruments as well as being an essential element of true democracy, to which the EU is committed in its Treaties,
- C. whereas election observation contributes to the overall promotion and protection of fundamental human rights and, more specifically, civil and political rights; and whereas a genuine democratic election process presupposes respect for freedom of expression and free media, adherence to the rule of law, the right to establish political parties and compete for public office, non-discrimination and equal rights for all citizens, and other fundamental human rights and freedoms that all OSCE participating States have committed themselves to protect and promote,

⁽¹⁾ OJ C 343, 5.12.2001, p. 270.

⁽²⁾ Council Decision 9262/98 — PESC 157 — COHOM 6, 3.6.1998.

⁽³⁾ Council Decision 8728/99 — PESC 165 — COHOM 4, 28.5.1999.

⁽⁴⁾ Council Document 9990/01 — PESC 236 — DEVGEN 103 — COHOM 17, 26.6.2001.

⁽⁵⁾ OJ C 131 E, 5.6.2003, p. 147.

⁽⁶⁾ OJ C 58, 1.3.2008, p. 18.

⁽⁷⁾ PE 309/025/BUR.

⁽⁸⁾ PE 349/329/CPG/DEF.

⁽⁹⁾ PE 375/270/CPG/Rev1.

⁽¹⁰⁾ PE 375/117/CPG.

Thursday 8 May 2008

- D. whereas international election observation is aimed at strengthening the legitimacy of the electoral process, increasing public confidence in elections, deterring electoral fraud and exposing it where it occurs and analysing, reporting and making recommendations for the improvement of all aspects of the electoral process in full cooperation with the host country, the settlement of any disputes and the protection of human rights and democracy in general,
- E. whereas election observation in new and developing democracies is the priority of the EU, which demonstrates its commitment to helping new democracies and countries progressing towards democracy to build solid democratic structures,
- F. whereas, as stated in the resolution of the ACP-EU Joint Parliamentary Assembly adopted on 1 April 1999 in Strasbourg on ACP-EU cooperation and involvement in electoral processes in ACP countries and the role of the Joint Assembly ⁽¹⁾, reducing poverty, which is the central objective of the EU's development policy, requires the existence of participatory democracy and responsible, corruption-free governments,
- G. whereas, as underlined in the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed in Cotonou on 23 June 2000 ⁽²⁾ (the Cotonou Agreement), the partnership between the ACP States and the EU is to actively support the promotion of human rights, processes of democratisation, consolidation of the rule of law, and good governance,
- H. whereas a Declaration of Principles for International Election Observation and a Code of Conduct for International Elections Observers were adopted under the auspices of the UN in 2005, and have been endorsed by both the Commission and Parliament, as well as by 32 other international governmental and non-governmental organisations,
- I. whereas the principles highlighted in that Declaration include full coverage, independence and impartiality, transparency and publicity, professionalism, analysis and advice, respect for the sovereignty of the host country including the need to receive an invitation to observe, cooperation between the different observer organisations, and the non-legitimation of clearly undemocratic electoral processes,
- J. whereas, since the adoption of the abovementioned Commission Communication on 11 April 2000, more than 50 EU EOMs have been deployed in 32 countries in Africa, Asia and Latin America; whereas it is remarkable, however, that far fewer EU EOMs have been deployed in southern Mediterranean countries,
- K. whereas under the EIDHR more than EUR 30 million are made available each year for EU EOMs,
- L. whereas, in a given country where elections have taken place, a democratically elected parliament is of limited value if that institution enjoys no significant power and is dominated by the executive,
- M. whereas some key future challenges remain to be addressed in the field of EU election observation, such as the increasing significance of electronic voting,
- N. whereas the abovementioned Commission Communication of 11 April 2000 represented a turning point in the EU's approach to election observation, establishing a comprehensive methodology covering the complete election process, from the pre-election to the post-election phase, which has proven to be a great success and has resulted in the EU becoming a leading organisation in the field of international election observation,
- O. whereas the deployment of EU EOMs is a key element of EU foreign policy, and constitutes in particular, together with election assistance, an essential tool for electoral support in the context of the EU's commitment to promoting the values of democracy, development and peace,

⁽¹⁾ OJ C 271, 24.9.1999, p. 57.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

Thursday 8 May 2008

- P. whereas successful elections can only take place in the context of the long-term rooting of democratic values, taking into account the need to build a European consensus on the promotion of democracy, within a society including voter and civic education, strong mechanisms for the upholding of human rights, the existence of an independent and pluralistic civil society, and respect for the separation of the legislature from the executive,
- Q. whereas election observation is a long-term process comprising three periods: the pre-election phase, election day and the post-election phase, and whereas each of these periods should be analysed rigorously and impartially on the basis of first-hand data,
- R. whereas although the observation of these three periods may be conducted by different observers, it needs to be complementary and well coordinated,
- S. whereas the added value offered by parliamentarians and former parliamentarians in election observation is incontestable and complementary to that offered by EU EOMs, but cannot, on its own, provide a rigorous judgment of an electoral process,
- T. whereas Parliament plays a key role in EU EOMs, in that a Member of the European Parliament (MEP) is appointed as Chief Observer and, in most instances, an election observation delegation of MEPs is fully integrated into the structure of the EU EOM,
- U. whereas EU EOMs need to have a more coherent and comprehensive follow-up, on both the technical and the political level,
- V. whereas although it is essential to maintain the policy of deploying EU EOMs in conditions where it is possible for the tasks to be undertaken impartially, comprehensively and with security for the personnel involved, the EU must not be silent in relation to the conduct of elections in circumstances where such conditions do not exist,
1. Confirms its own determination to contribute to the reinforcement of democratic processes by enhancing its involvement in election observation, follow-up to EU EOMs and parliamentary capacity-building;
 2. Considers that in absolute terms the holding of elections cannot be regarded as the sole indicator of democracy, but that, nevertheless, it has a positive effect on the democratisation process as measured by improvements in civil liberties, provided that political pluralism, freedom of assembly and association, freedom of expression, equal access to the media, secret ballots and respect for human rights are secured;
 3. Stresses that the observation of elections in new and developing democracies should remain a priority, since such states generally stand to benefit most from international election observation and the recommendations flowing therefrom;
 4. Regrets that the EU still lacks a common, comprehensive strategy for promoting democracy, and urges all EU institutions and Member States to continue their efforts to make possible the adoption of such a strategy; in this regard, urges all EU institutions and Member States to agree to establish a European Consensus on Democracy;
 5. Considers, in the light of this, that election observation is merely a first step towards democracy and that it needs to be complemented by other, adequately funded activities and post-electoral measures for the promotion of democracy, in particular through capacity-building for national parliaments, political parties, the civil service, non-State actors and civil society, and through the promotion of human rights and good governance; therefore requests the maintenance of the budgetary ceiling agreed by the Commission of around 25 % of EIDHR for EU EOMs over the seven-year period of the Financial Framework 2007-2013; asks the Commission to set aside, within this budgetary framework, allocations for preparatory activities in anticipation of elections, including the training of local election monitors, voter education and other activities which are essential for the long-term establishment of free and fair elections;
 6. Pays tribute to the ODIHR, whose pioneering work has strongly inspired the EU methodology on election observation;

Thursday 8 May 2008

7. Pays tribute to the participation of observers from third countries, such as Switzerland, Norway and Canada, in EU EOMs;
8. Reaffirms the important role of ODIHR EOMs in the OSCE area, where the EU does not as a rule deploy election observation missions; commends the ODIHR for the quality of its work and its adherence to high standards of transparency and independence; expresses its concern about statements and actions of some OSCE participating States that call into question the ODIHR's mandate and undermine the effectiveness, funding and independence of its missions; calls on OSCE participating States and on the European Council to uphold the ODIHR's position as the principal election-monitoring body in the OSCE area; in particular, condemns the recent imposition by certain OSCE participating States of restrictions on the duration of EOMs and their refusal to issue, or delay in issuing, visas for observers, which has made it impossible for the ODIHR to fulfil its mandate;
9. Draws attention to the added value of participation in international election observation missions in the OSCE area, along with the OSCE/ODHIR, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe and, where appropriate, the NATO Parliamentary Assembly; is of the opinion that its involvement in these missions should be continued and even increased; underlines the crucial importance of thorough political coordination between the bodies involved, in particular as regards the diligence of its assessment, adherence to independence standards, the conclusions of long-term observers and the coherence of public statements;
10. Welcomes the positive contribution made by EU EOMs in strengthening democratic processes, enhancing respect for human rights, fundamental freedoms, good governance and the rule of law, and, in particular, reinforcing electoral processes around the world;
11. Recalls the conclusions of the Commission/Parliament seminar held on 11 September 2007, which stated that, for reasons of methodology, identity and visibility, EU EOMs must continue to operate independently from other international and national observers; considers that this does not, however, preclude regular and close cooperation with other observer organisations on the ground, nor further EU support for capacity-building of national and regional observation organisations;
12. Underlines the success of the EU methodology, but calls on the Commission to further improve and update it by including established practices and addressing new challenges;
13. Stresses that this success has made the EU the leading organisation in the field of international election observation and that the focus on professionalism of EU EOMs is making an important contribution to the emergence of a significant number of highly qualified and experienced electoral experts; underlines the importance of actively recruiting and training new observers in order to ensure continuity in EU election observation expertise; stresses, furthermore, that the professionalism of EU EOMs enhances the EU's contribution to entrenching a sustainable awareness of the various elements that constitute a democratic election process; considers in this respect that the experience of former MEPs as short-term observers and long-term observers could be considered;
14. Calls on the Commission to take the appropriate measures to further strengthen the adequate participation of civil society organisations and local observers in electoral processes;
15. Stresses the importance of EU short-term and long-term observers abstaining from any behaviour that could be perceived by the local population as patronising, superior or disrespectful of local culture; considers that, in this context, and where appropriate, EU observers should link up with local observers;
16. Welcomes the well-established practice of appointing MEPs as Chief Observers of EU EOMs, calls for the appointment process to be clear and transparent in order to ensure the credibility of the Chief Observer and stresses that, while throughout the duration of their mandate they work closely with the Commission and other EU institutions, they should always maintain a clear and well-defined independence, without interference;
17. Welcomes the gender equality policy adopted as part of this methodology in the selection of observers, including the Chief Observer, irrespective of the difficulty of the mission;

Thursday 8 May 2008

18. Takes the view that knowledge of the language used in the country in which the elections are being held (e.g. Spanish in Bolivia) should be an indicative criterion in the appointment of observers, because the ability to communicate directly with local people makes it easier for observers to become fully acquainted with the social and political situation in the country;
19. Takes the view that, in the pre-electoral period, following meetings with candidates and electoral commission officials, observers should be able to meet other groups in the country in which the elections are being held;
20. Welcomes the positive experience of its election observation delegations within the framework of EU EOMs, to which they provide an important added value giving legitimacy to their conclusions and reinforcing their visibility and acceptance, but stresses that the credibility of those conclusions depends on the rigorous application of the methodology throughout the whole observation process;
21. Welcomes the work done by the European Parliament Former Members Association in founding the International Election Monitors Institute (IEMI) in conjunction with the Former Members of the Canadian Parliament and the United States Association of Former Members of Congress; notes that IEMI members have observed a number of elections, and further points out that all present MEPs will one day be former MEPs and that their expertise will be invaluable for the further development of the democratic process;
22. Calls on all MEPs participating in election observation delegations to continue to follow the guidelines established for such delegations; stresses the importance of the Code of Conduct for election observers, which also applies to MEPs;
23. Recognises that on a number of occasions European Parliament observation delegations have been short of numbers, and resolves that in these cases it may be thought useful to add former MEPs to make up the numbers; urges the appropriate political authorities of the European Parliament to follow up this suggestion;
24. Stresses that observer delegations from the political groups do not represent Parliament, and calls on those delegations to refrain from taking any action that may undermine the credibility and visibility of the official European Parliament election observation delegations and that of EU EOMs;
25. Notes that coordination between EU institutions and within the Commission has generally been positive; regrets, however, that it has also suffered in some cases from a severe lack of cohesion, leaving further room for improvement;
26. Stresses, in particular, the importance of coordinating all public statements related to the findings of EU EOMs and avoiding the issue of any statement in advance of the presentation by the EU EOM of its preliminary statement, and underlines the key role played in terms of visibility and credibility by the press conference, where the preliminary statement is presented for the first time; calls for both the press statements and reports of findings to be released in accordance with a timetable which takes into account the electoral sensitivities on the ground;
27. Suggests, with a view to improving Parliament-Council relations, that the Council should participate in meetings of the ECG and that Parliament should be given observer status at meetings of the Council Working Group on Human Rights (COHOM);
28. Calls on the Commission to consider, in the negotiation of association agreements or strategic partnerships, how to include the feasibility of observing electoral processes in southern Mediterranean countries and Middle East countries;
29. Considers that an effective and results-oriented follow-up to EU EOMs remains the key challenge to be addressed, and that a distinction should be made between technical and political follow-up, in which all EU institutions and Member States should be involved at all levels;
30. Suggests that the implementation of the recommendations made by EU EOMs be closely followed up, in particular where election assistance is not provided;

Thursday 8 May 2008

31. Requests all EU institutions, in particular the Council and Member State governments, to incorporate the findings and recommendations of EU EOMs in their political dialogues with the countries concerned, as well as in their demarches, declarations, resolutions, statements and further actions;
32. Calls, in particular, on the Commission to include EU EOMs' recommendations in all action plans in respect of European Neighbourhood Policy countries in which EOMs are deployed;
33. Calls on the Commission to make full long-term use of these recommendations within the framework of drawing up the Country Strategy Papers/Annual Action Programmes under the European Development Fund and under the external financial instruments of the EU, specifically Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ⁽¹⁾ and Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽²⁾;
34. Condemns past examples of practices consisting of a 'business as usual' attitude towards countries in respect of which EU EOMs have been severely critical of the electoral process; regrets, on the other hand, that democratic elections are not always legitimated by the EU, and believes that these inconsistencies undermine the fragile idea of democracy in these countries and the image of the EU;
35. Calls on the Commission to carefully assess the outcome of each EU EOM, to absorb the lessons learned therefrom and to clearly state in the final reports the methodological limitations of each EU EOM; moreover, calls on the Commission to make every effort to ensure that the democratic achievements of the EU EOMs (methodology, technical practice, budgetary means, electoral structures, etc.) are not called into question or obliterated once the electoral process is finished;
36. Requests the Commission to explore the feasibility of deploying specialised missions to follow certain key aspects of the electoral process such as the drafting of the electoral legal framework, voter registration and post-election complaints and appeals, which are, in some instances, not comprehensively covered by EU EOMs;
37. Recommends the establishment of a political dialogue in cases where the recommendations made by EU EOMs are not implemented;
38. Suggests, in line with the above point, that the European Parliament should be present at the opening of a new parliament whose election has been observed and that cooperation with such newly elected parliament should be strengthened;
39. Recommends the introduction of a specific strategy to support newly and democratically elected parliaments with a view to permanently entrenching democracy, the rule of law and good governance;
40. Suggests that, to that end, Parliament should explore ways and means of assisting newly elected parliaments in carrying out their work, with a special focus on developing countries;
41. Suggests to the Commission that it should set up other mechanisms for the monitoring of electoral processes in cases where the deployment of a fully-fledged EU EOM is not possible; calls on the Council and the Commission to be prepared to make strong and timely public statements in relation to elections in these circumstances;
42. Takes the view that, as regards technical follow-up, election assistance constitutes the necessary long-term strategic commitment throughout the electoral cycle that best interacts with EU EOMs, and considers that special attention should be given to reinforcing the independence and legitimacy of electoral management bodies, as well as to supporting the establishment of a permanent rather than an ad hoc election commission;

⁽¹⁾ OJ L 378, 27.12.2006, p. 41.

⁽²⁾ OJ L 310, 9.11.2006, p. 1.

Thursday 8 May 2008

43. Underlines that, as the democratically elected European institution, Parliament will play a special role in the political follow-up of EU EOMs, and, in particular, in the parliamentary capacity-building process;
44. Calls for serious consideration to be given to the added value, where practicable, of consultation, cooperation and knowledge-sharing between Parliament and ACP parliamentary delegations and missions in the broader context of the external action of the EU, and in relation to other national and international observation missions; proposes that working parties be set up with a view to enabling African Union partners to benefit, as part of the new EU-Africa strategy, from election observation expertise and experience, as the EU has benefited from the ODIHR/OSCE's working methods and experience;
45. Calls for an analysis of the conditions in which short-term joint election observation delegations could be organised with the counterpart members of the ACP-EU JPA, the Euro-Mediterranean Parliamentary Assembly and the Euro-Latin American Parliamentary Assembly;
46. Recommends that joint ACP-EU EOMs be organised periodically when elections are held in the EU;
47. Considers that electronic voting is already playing, and will increasingly play, a crucial role in electoral processes, giving birth to a new kind of electoral fraud; urges the Commission to take the appropriate measures for the reliable observation of such voting and to properly train observers for that purpose;
48. Calls for the adoption by Parliament of an annual report on EU EOMs;
49. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, the President of the Euro-Mediterranean Parliamentary Assembly and the Co-Presidents of the Euro-Latin American Parliamentary Assembly, the President of the Parliamentary Assembly of the Council of Europe, the President of the OSCE Parliamentary Assembly and the Director of the Office for Democratic Institutions and Human Rights.

Trade and Economic Relations with the countries of South East Asia (ASEAN)

P6_TA(2008)0195

European Parliament resolution of 8 May 2008 on trade and economic relations with the Association of South East Asian Nations (ASEAN) (2007/2265(INI))

(2009/C 271 E/04)

The European Parliament,

- having regard to its resolutions on bilateral trade negotiations and, in particular, that of 13 December 2007 on 'Trade and economic relations with Korea' ⁽¹⁾,
- having regard to the ASEAN Charter, signed on 20 November 2007 at the 13th ASEAN summit in Singapore,
- having regard to its resolutions on Burma, most recently those of 6 and 27 September 2007 ⁽²⁾,
- having regard to its resolution of 15 January 2008 on CARS 21: A Competitive Automotive Regulatory Framework ⁽³⁾,
- having regard to its resolution of 12 July 2007 on The TRIPS Agreement and access to medicines ⁽⁴⁾,

⁽¹⁾ Texts Adopted, P6_TA(2007)0629.

⁽²⁾ Texts Adopted, P6_TA(2007)0384 and 0420.

⁽³⁾ Texts Adopted, P6_TA(2008)0007.

⁽⁴⁾ Texts Adopted, P6_TA(2007)0353.