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**Former President of the Parliamentary Assembly of the Council of Europe**

Mr. Chairman, Mr. President, Ladies and Gentlemen from so many countries, good morning.

I am actually a substitute. You should be listening to René van der Linden, who is the current President of the Parliamentary Assembly of the Council of Europe. And I indeed know very well that René would very much liked to have come and to have been here. I have known him for a long time, we are not from the same political family, he is a Christian democrat, I am a liberal, but he is a man devoted to democracy, but of course as president he is very much in demand. And the problem really was that René, unlike many senior figures in politics, does not like darting into a conference and then whipping out of it again a few minutes later. He likes to stay through the whole thing. Three days was really too much for him. So I bring you his greetings.

Now there is the problem. In the Northern Scotland, where I come from, we have a saying that one should not try to teach one's grandmother how to suck eggs. And I have a feeling that is exactly what I will be doing this morning. This morning that is the second problem, it is the morning. I must say that I have a long developed aversion to making speeches in the morning. People are sleepy and indeed I have seen two persons actually sleeping already. My favorite cartoon character is Garfield the cat, who once remarked with beautiful feel like wisdom. He said I would like mornings better if they started later. And that certainly is my view now.

My speech is described as a keynote speech. I am never quite certain what a keynote speech is, but I suppose it is intending to set a tone. I have a feeling that it can be little more than a swift overview, a sort of democratic bikini on the body of politics. What does the Council of Europe do in respect of international elections among its member states? First of all, we observe elections, we have a monitoring procedure, which is unique in the world for members who are or were in transition, having joined the Council of Europe, but having made certain commitments, and so we are trying to ensure that these commitments are in fact fulfilled. Then there is the Court, Court of Human Rights, which is beginning to develop a considerable body of election expertise, and whose rulings are binding on all member states. Then there is the Venice Commission, so called because it is resident in a beautiful palace in Venice. I have been there 3 or 4 times. There is a slide shock when you sit down and look up and there is a very large graphic painting of a saint being boiled in oil, which I am not quite sure of the relevance of that is to the work of the Venice Commission. But I am sure that must be some hidden relevance that I have not thought about it. And we have a Congress of Local and Regional Authorities that deals with elections, of course at local level.

The first election I observed was the first free Hungarian election. I was in Budapest, it was a well-conducted election, I have to say. Just tell you one little story about it. The method we have of choosing observation teams, which is one to be recommended to any other organization that is engaged to similar exercise, is simple. There are 5 political groups in the Parliamentary Assembly, socialist, Christian democrat, liberal, conservative and united left. The Bureau decides how many members are going to be in an observation team and then the membership is decided by the political groups themselves in proportion of their size.

So I found myself in a little polling station, I think it was a school, with a German social democrat, with whom I was getting on fine. We had no problems with each other. At the end

of the evening we were standing at the back of this room and nothing much happening and suddenly the door opened and a little old lady came in. She stopped, she looked around, and she moved forward a little bit and stopped again and suddenly burst into tears. So I went forward, and put my arms around her and said to her it is all right, don't get excited, don't be worried, this is a wonderful moment, she never voted in a free election ever before. The interpreter was at my elbow and translating so that she understood what I said, because my Hungarian is restricted. She recovered and she proceeded to vote and she departed a happy bunny so to speak. Later we had a report back to the Council of Europe and my social democratic German friend had the job of doing this. They say that Germans have no sense of humor, but this is untrue in my experience. He described the elections and then he said as the evening progressed it became evident that Russel was becoming more and more concerned about the liberal vote. So he began to kiss all the old ladies he could find. That is not just a funny story. It illustrates one of the great advantages.

Election observation is an inexact business. I still think its main value is a watching presence, which deters the fault. But it only deters a bit, I mean if people are determined to cheat, they will cheat. So the best observers are the experienced, that is one of the difficulties that OSCE has in observing elections, because they do not have members of parliament among observers. They have various people coming from various countries. Some of them have never been in Europe before or do not know much about Europe, know zero about European election processes. So they have to be given a guide sheet to work on. It is not satisfactory in my view.

I consider that there are 7 tablets of democracy. Everything is related to these 7 issues.

1) Regular opportunity for free choice, that your Secretary General already referred to.

2) The whole business of free and fair elections. And the reality that you know, that there are so many ways of cheating. The major one, of course, is the voters' lists. That is the main area of complaints, I found that again and again. People say that their name is not on the list, it has been removed from the list, or was never put on, or additional names were put on the list. The best way of dealing with this one, I thought or I overcame across when I observed an election in Latvia. The Latvians very craftily had abolished lists altogether. So you did not need to have a list and you could not complain about it. Therefore you needed to have an identity card, passport, identification and you went and voted anywhere. It indeed appeared to work rather well. So I commend the Latvians on that. And of course there is counting. Most countries in elections, not all, but most, have counting within the polling station, which is then observed by the different political parties, government and opposition, and then transmitted to a central counting point. It is amazing how the totals could change between point A and point B. That is something that one has to keep a very careful eye on.

3) No exclusion of participants. There are having been a big argument in Azerbaijan just now, where they have elections on November 6th, about Mr Razul Guliyev should take part or not. One point he was going to and the next point he was not, when I left Baku last week. I think it was Voltaire, he was certainly a French man, who said I contest what you say, but I would defend to the end your right to say it. And that I think it is a pretty axiomatic.

4) The freedom of assembly. You have to be able to do that. And in many ways, strong governments can prevent this.

5) Openness of the media. Very interesting, yesterday in Paris, I was talking to Mr. Zughanov. Mr. Zughanov is the leader of the Russian Communist Party. I observed the last elections to the Duma, I quite like Zughanov personally, but I have no empathy with his concepts and ideas, but there was no doubt in my mind that he was badly treated by the media. It is very obvious. And that is something regularly to watch.

6) Civil society, trade unions, profession groups, interest groups are more and more important. I give you one of these pieces of information probably a totally useless to you, but interesting. In the United Kingdom whence I come, the Royal Society for the protection of birds has more members than all the political parties put together. So there are interest groups, and interest groups are more and more important.

7) Judicial /juridical/ independence. That is not only a question of juridical independence internally; it is also a question of independence of constitutional courts, as you Mr. President well know. The decision of the Constitutional Court in Ukraine is already referred to, I was clearly to its greatest importance. But the absence of juridical independence, the mixing of government influence and juridical decisions undermines any trust that the public may have in an electoral process.

Even if you have all these things, even if you have these 7 things well and in trench, things can go wrong. I think it is now pretty nearly established; it was in 2002 in Florida, if there had been a manual recount, than Mr. Gore would become the President of the United States. Let us not say that the United States is not a democratic country, but it means that even in democratic countries you can get serious things, seriously going wrong. In the United Kingdom, which also can be regarded as a democratic country, an NGO which is called Electoral Reform Society says: in spite of winning only 35.2% of the vote and only 21.6% of the electorate, Labour was returned with an overall majority in the Houses of Parliament that it is 55% of the total number of the 650. So you have to look the election systems well, if you are interested in fairness and that is what after all you should be interested in.

Now I want to say two things further about the involvement of the Council of Europe. First of all, it is the monitoring process. I said it applied to countries that applied to be members and continues for an indefinite period of time until the Council is satisfied, that the commitments are ended into that all have been fulfilled. That of course covers the elections and also the legal remedy. If that country concerned committed itself in a written form to doing so, then the Court, of course, is the final arbiter. There is now a quite developed case history on elections in the European Court of Human Rights.

I would like to say a very brief word on e-voting. We have a Council of Europe expert here, who I know he is going to speak again the detailed statement of the Committee of Ministers of the Council of Europe, which is adopted on the 30 September. E-voting means perhaps making voting more convenient, so you use some electronic means rather than walk somewhere and put an X down on a piece of paper. And that may be a good idea. It means that you could use a voting machine also in a traditional polling station or you can use your mobile phone. I am told that in Britain 73% of people have mobile phones now. Everywhere you look they are talking to each other. Communication gone mad in my humble opinion, but it can mean using an interactive capacity. It is all really about greater flexibility.

Almost the same arguments in terms of security apply to postal voting, which is also a convenience. You do not need to go anywhere; you could fill out your form provided your

husband or wife not standing over you with an axe. You could do it freely. But in the case of e-mails there is also a risks of hacking in, it is viruses. I am afraid I do not understand computer viruses, but I do understand they exist and can be pretty affective. There is no clear evidence certainly in the United Kingdom yet, but this will necessarily improve voter turnout. I mean voter turnout is a very great deal of the world; we had a very low turnout at the last elections, just over 60%, that is not good at all. I think it is not our lowest, but it is pretty low. And at the last European Parliamentary elections turnouts were generally bad, with some exceptions like Spain, throughout Europe and this is alarming, but to say that you are going to cure it all by making voting simpler is disputable. The optimists say that it will happen, the young people who are not terrible interested in it, will vote. I hope so, but we will see.

In the end, I think that successful fair elections will continue to depend on the 7 points I earlier enumerated and both legal remedies and easier voting will make a contribution. However, I say this in my conclusion, personally I feel that there is a big problem that democracy faces in a lot of countries, not all, but a great many. You can see it in a way happening in Germany just now, you could see it in United Kingdom, you could see it in France, to pick 3 countries in Europe, is the blurring of ideology and consequently choice. After the war in Europe political parties, across the so-called right-left spectrum, had clear or pretty clear definitions. Now it is much less clear than it was.

So, if we end up with competing management teams on the United States model, I feel that it would be able to produce the emotional favour, which alone conspire and drive democracy forward. If this project, Global Election Day, helps, I would be very happy and I would be very happy therefore to vote for it.