



An Roinn Gnóthaí Eachtracha  
Department of Foreign Affairs

# REVIEW OF THE MANAGEMENT OF THE ELECTION OBSERVATION ROSTER

Evaluation and Audit Unit  
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## Table of Acronyms

APSO	– Agency for Personal Service Overseas
CSDEU	– Civil Society and Development Education Unit
DCAD	– Development Cooperation and Africa Division
DCD	– Development Cooperation Division (pre 2019)
DFA	- Department of Foreign Affairs
DFAT	– Department of Foreign Affairs and Trade
DPER	– Department of Public Expenditure and Reform
DPR	– Data Protection Request
EAU	– Evaluation and Audit Unit
EEAS	– European External Action Service
EO	– Election Observation
EODS	– Election Observation and Democracy Support (EU Commission)
EOM	– Election Observation Mission
EU	– European Union
FOI	– Freedom of Information (2014 Act)
FPI	– Service for Foreign Policy Instruments, EU commission
JCFATD	– Oireachtas Joint Committee on Foreign Affairs, Trade and Defence
LTO	– Long-Term Observer
ODIHR	– Office for Democratic Institutions and Human Rights, OSCE
OIC	– Office of the Information Commissioner
OSCE	– Organisation for Security and Co-operation in Europe
PAC	– Dáil Committee of Public Accounts
PAS	– Public Appointments Service
PQ	– Parliamentary Question
SCC	– Security and Corporate Compliance Unit
STO	– Short-Term Observer

### Acknowledgements

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We would also like to extend our thanks to staff of the EO Desk in the Civil Society and Development Education Unit of the Development Cooperation and Africa Division and our sample of election observation roster members for their forthcoming, honest and high-quality contributions to this review. Finally, thanks to staff across the Department of Foreign Affairs and Trade, Ireland as well as members of the reference group who contributed their time and expertise to the process.

## **Executive Summary**

The members of the Election Observation roster play an important role in the promotion of democracy, human rights and the rule of law. They form part of an international community that encapsulates Ireland's values and commitment as a member of the EU and OSCE. This report provides forward-looking recommendations that aim to ensure Ireland continues to facilitate high quality, responsive volunteer observers, and an election observation function that is fit for purpose and effective in the years to come.

The purpose of the review is:

1. To provide an independent assessment of the effectiveness of the processes and controls involved in establishing and maintaining the Election Observation Roster
2. To identify lessons learned from the processes involved which will inform decisions with regard to arrangements for future rosters
3. To assess the suitability of the location of responsibility for management of the election observation roster
4. To provide accountability, including to the Oireachtas Joint Committee of Foreign Affairs and Defence

This review underlines the important contribution of Ireland's engagement in election observation as an engaged and committed member of the EU and OSCE, as undertaking election observation is an unwritten obligation of membership of both entities. Whilst the policy relevance and importance of maintaining an election observation roster is largely accepted, the potential for maximising policy cohesion and the value of Ireland's engagement may not have been fully realised due to the historical organisational location of the EO Desk<sup>1</sup> managing the function within Development Cooperation and Africa Division. Questions arise as to the optimal home for the EO Desk within DFA's existing structures, whether in another Division or returning to an outsourced model.

Despite some delays in launching the process, the review team is satisfied that 2018/19 roster mustering process was transparent, fair and carried out to a high standard. However, the resulting volume of work generated for the EO Desk dominated a significant portion of its workload for 2018 and beyond. This unprecedented workload included a high volume of transparency requests, not unconnected to ongoing legal proceedings, follow up registration and vetting activities.

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<sup>1</sup> The term Desk refers to the subsection of the Civil Society and Development Education Unit (CSDEU) tasked with the management of the Election Observation Roster. The Desk consists of one First Secretary, one Third Secretary and one Executive Officer, who manage the day to day administration of the roster alongside other partner management responsibilities.

The Annual Report of the Information Commissioner for 2019<sup>2</sup> describes one facet of this volume of work as ‘*a continuation of that same pattern of conduct ... that I found to be an abuse of process [in a previous case]*’. The burden created by voluminous correspondence and transparency requests and appeals has had significant implications for the operational efficiency of the Desk. It has impacted on the well-being of the officers, with implications for their relationship with volunteer roster members, DCAD management and the wider Department, and on their other duties separate to operating the roster. Notwithstanding the additional burden arising from the need to reassign work across the Unit from the officers staffing the EO Desk, who were stretched to meet all of the statutory deadlines accompanying transparency requests, the Department discharged its duties under transparency and accountability legislation to the full. However, this required a level of management engagement out of proportion to the budget allocated to election observation.

The key findings of the review are set out thematically across four chapters: Policy and Scope, Management of the Mustering Process, Ongoing Management and Performance of the EO Desk and Roster, and Transparency Requests and Organisational Impact on DFA.

The review sets out **a total of 18 recommendations for the attention of DFA management; One High Priority, 9 Medium Priority and 7 Low Priority**. These are set out in the Conclusions and Recommendations Chapter of the report and in a table according to priority-level in Appendix 2. The high priority recommendation outlines the need to create and implement a transparency request escalation policy in order to prevent bottlenecks, protect officers and serve the public as effectively and transparently as possible.

This review also outlines - as medium priority - some options for management in terms of where best to locate and how to manage the roster going forward. For example, transferring responsibility from DCAD to either EU Division or Political Division, outsourcing the mustering and/or management of the roster, or creating a new unit responsible for volunteer and international deployments.

These recommendations are made with a view to enhancing the overall function and, potentially, enabling Ireland to make a better contribution to democracy, human rights and the rule of law through the election observation missions in which the State engages. It is important that the recommendations are absorbed and implemented holistically.

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<sup>2</sup> “In case OIC-53287, I affirmed the decision of the Department to refuse access to records relating to the applicant and election observation on the ground that his request was vexatious. I was satisfied that the request represented a continuation of that same pattern of conduct relating to the applicant’s use of FOI that I found to be an abuse of process in Case 160308. I found that the request was yet another example of the applicant having shown little or no regard for the significant burden that his use of FOI in relation to the election observation roster had placed on the relevant section of the Department.” From Information Commissioner Annual Report 2019, Chapter 2: OIC Activity in 2019 ‘Frivolous and vexatious requests’ pp. 34-35

## Background

### Introduction

International election observation missions play an important role in the promotion of democracy, human rights and the rule of law. Participation in such missions is perceived as an unwritten obligation of membership of both the EU and the OSCE. The Department of Foreign Affairs (DFA or 'Department') (formerly Department of Foreign Affairs and Trade) maintains and administers a roster of volunteer observers for such missions, which are organised in the main by the Organisation for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE-ODIHR) and the European Union (EU). The aim is to ensure that, when requested, Ireland is represented at an appropriate level in international observation missions for elections and referenda.

Within DFA, the roster is managed by the Civil Society and Development Education Unit (CSDEU) of the Development Cooperation and Africa Division (DCAD). The roster was originally managed by the former Agency for Personal Service Overseas (APSO). Following the closure of APSO, from 1 January 2004, DFA took on responsibility for maintaining certain APSO activities, including election observation.

The roster exists on a non-statutory basis; its members are volunteers. The budget allocated to election observation totalled €180,000 in 2019, drawn from Vote 27 (Development Cooperation budget line). This figure does not include the main cost in 2019, which is internal management staffing costs. Expenses only are payable to those volunteers who have been successfully nominated to an observation mission. Most spending is in relation to election observers deployed on OSCE missions, which require all flights, travel and subsistence to be covered by the nominating state, which in the Irish case are covered by DFA. These expenses are covered by the EU for EU missions.

The Department deploys, at the request of the EU or the OSCE, observers on some 12-18 election observation missions per year. Observers may act as either Short Term Observers (i.e. for around 10-14 days) or Long Term Observers (usually around 60 days). The table below presents a breakdown of Ireland's participation in EU and OSCE Election Observation missions, and the number of Long-Term Observers (LTO) and Short-Term Observers (STOs) deployed between 2015 and 2019.

	No. of OSCE Missions participated in	No. of EU Missions participated in	Total No. of Long-Term Observers deployed	Total No. of Short-Term Observers deployed
<b>2015</b>	7	8	13	33
<b>2016</b>	11	6	14	54
<b>2017</b>	7	6	11	35
<b>2018</b>	9	7	13	47
<b>2019</b>	6	8	6	51

*Table 1.1 – Observation missions and observers deployed, 2014-2019*

## Current Roster

The current election observation roster was established in January 2019. At time of writing, there were 199 individuals on the roster. This roster replaced the previous election observation roster, established in May 2013.

## Role of an Election Observer

Irish Election Observers are volunteers, drawn from the election observation roster. They may be nominated to take part in missions primarily organised either by the OSCE-ODIHR or by the EU. OSCE missions focus mainly on Eastern and Central Europe and the near neighbourhood. EU missions tend to be in Africa and, from time-to-time, in Latin America or Asia.

DFA, depending on specific election criteria, nominates a combination of Long-Term Observers (LTO) and Short-Term Observers (STO) to participate on Election Observation Missions (EOMs); usually one LTO and 4-5 STOs. The OSCE and EU have final decision on whether to accept Ireland's nominees (usually one of three nominees is selected for an EU mission). These volunteer observers then operate under the auspices of the requesting organisation (the OSCE-ODIHR or the EU) when on mission.

All Irish observers must comply with the 2019 DFAT Election Observer Code of Conduct, the relevant EU or OSCE Code, and the rules and regulations of the specific EOM. On return from an observation mission, observers must complete and submit DFA's debriefing report to the EO Desk. On occasion, Long-Term Observers are invited to debrief the relevant geographic desk.



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### *Long-Term Observers*

According to the Department's 2018 election observation volunteer booklet<sup>3</sup>, the practical field tasks of an election observation mission can be divided into four distinct phases: the pre-election phase, the Election Day, the immediate post-election phase and the extended post-election phase. LTOs can be deployed for periods of up to 8 weeks to cover all election phases.

The role of LTOs is to acquire first-hand knowledge about the effectiveness and impartiality of the pre-election administration; the implementation of the election law and regulations; the nature of the campaign; and the political environment prior to voting day. LTOs are then responsible for assisting STOs with Election Day observations. They are assigned to a particular area of reporting in teams of two, which are usually balanced regarding experience, gender and language.

### *Short-Term Observers*

STOs normally arrive shortly before Election Day and are deployed to provide a broad presence throughout the country on Election Day. STOs mainly cover the Election Day and the immediate post-election phase and can on average be deployed for periods of between 8 and 14 days.

The objective of STOs is to provide a broad presence throughout the country to assess the three stages of the election phase; the closing days of the campaign, Election Day and the vote count. STOs generally report to the LTO team nominated for their particular area of reporting. As with LTO teams, STOs are assigned to a two-person team.

## **Key Review Questions**

This review examines the current roster (2019-2022) and the previous roster (2013-2018) along with both their application processes from the following perspectives:

### **Policy and Scope:**

1. To what extent is the management of the election observation roster relevant and appropriate in relation to Ireland's Foreign Policy objectives?

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<sup>3</sup> Department of Foreign Affairs and Trade Election Observer Volunteer Information Booklet, 2018. There is also a handbook which was provided to all roster members at training in 2019 and which is regularly updated. The most recent version of the handbook is on the Irish Aid website and dates from 2019.

2. To what extent is the management of an election observation roster creating value or synergies for business units across DFA? Is this value proportionate to the resources inputted into the process?

### Management and Performance:

3. To what extent appropriate processes and controls are in place to:
  - a. Manage the roster, including the selection process?
  - b. Manage the transparency framework and engage with accountability mechanisms?
  - c. Ensure all stakeholders (both participants and the EO Desk) are compliant with requirements and service level agreements set out in the recruitment booklet?
4. How does Ireland's budget, approach and location of the election observation roster compare to a sample of our peer OSCE and EU member states?

### Organisational Impact:

5. To what extent does the management of the roster and corresponding activities impact upon:
  - a. Staff assigned to EO Desk?
  - b. Wider resources of CSDEU and DFA?
  - c. Reputation and functionality of CSDEU?

## Methodology

### Literature Review:

The review included a comprehensive review of relevant and available documentation, such as: election observation roster volunteer information booklet and application forms, responses to parliamentary questions and freedom of information requests, roster mustering planning correspondence, call for observer documents (from OSCE and EU), mission application forms, election observer debrief request forms, decisions of the Office of the Information Commissioner, judgments of the High Court<sup>4</sup>, eSubmission process and approval documents, OSCE and EU training materials and guiding notes, EU and OSCE focal point information, and the 2018 report of the Dáil Committee of Public Accounts.

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<sup>4</sup>The judgement from the High Court in a case concerning a decision by the Office of the Information Commissioner to uphold a decision by the Department to refuse a request related to the 2013-18 roster under the Freedom of Information Act"

### Qualitative Interviews:

The review team conducted a series of interviews with relevant stakeholders within the Department, including relevant officers and management in DCAD, security, coordination and compliance unit, regional desks and political division, and officers responsible for other volunteer rosters. We also interviewed a sample of roster members, with a range of experience and duration on the roster, including: the Election Observation Director in the EU Service for Foreign Policy Instruments, the OSCE Office for Democratic Institutions and Human Rights, and election observation focal point peers in the Belgian and Polish Foreign Ministries. A full list of interviewees is available in Appendix 3.

### Limitations

The purpose of this review is to assess the Department's management of the election observation roster and application processes. It is important to emphasise that it is not an assessment of election observation as an initiative nor of the quality and work of Ireland's election observers. To this end, the review team have assessed the extent to which the Department ensures the fairness, efficiency, and optimisation of its election observation function. Due to time and resource constraints, it has not been possible to engage with all roster members, but the interviewed sample should represent a variety in experience, duration on the roster and gender.

### Report Structure

The key findings of this review are presented in relation to the four sections as outlined in the Terms of Reference (Appendix 2). They are:

- A. Policy and Scope
- B. Management of the Mustering Process
- C. Ongoing Management and performance of the EO Desk and roster
- D. Transparency Requests and Organisational Impact on the Department

The conclusions and recommendations of the review are outlined in the final chapter, with a table of recommendations categorised in order of priority in Appendix 4.

## A. Policy and Scope

### Key Findings

#### Policy

The relevance of election observation to Ireland's overall foreign policy objectives is clear to the review team. The promotion of democratisation, human rights, the rule of law, free and fair elections falls under the 'Our Values' goal of Ireland's 2015 foreign policy document, *The Global Island*. In addition, officers emphasise that engaging in election observation demonstrates Ireland's commitment to multilateralism, in this instance as an engaged member of the EU and OSCE. Engaging as an active and committed member of the EU and OSCE is a key motivating factor in continued engagement in election observation. This links closely with the policy objectives espoused by EU Division, which is responsible for Ireland's relationships with both the EU and OSCE. Ireland is committed to fulfilling its duties as a Member State of both entities and supporting the activities of election observation.

At present, the placement of election observation under the responsibility of DFA indicates that it is classified as a foreign-affairs related activity. However, it could be argued that as an election-related activity, Ireland's involvement in election observation could come under the policy mandate of the Department of Housing, Planning and Local Government. This interplay has not been raised at an inter-departmental level. However, the proposed establishment of an Irish Electoral Commission may open space for new considerations. The establishment of an Electoral Commission is a key commitment in the Programme for a Partnership Government.

#### Location of Desk:

Placement of the EO Desk in DCAD, and specifically in CSDEU, is a legacy from the closure of APSO. In 2004, the Department assumed responsibility for several civil society initiatives previously managed by the volunteer management agency. As the liaison Unit to APSO, CSDEU assumed, by default, responsibility for the management of election observation roster and deployment of observers on missions, along with some other volunteering initiatives. It appears that responsibility for election observation has remained in CSDEU more due to institutional inertia rather than conscious design: this Unit ensured the availability of human and financial resources, while an absence of an obvious alternative and no examination of potential stronger thematic or policy linkages meant that other possible homes within the Department have never previously been explored. This is the first formal review of this function since its transfer from APSO.

DCAD supports democracy building, governance and civil society space in developing countries, particularly in Africa. However, there seems to be no direct link between engagement in election observation missions and wider policy, beyond engagement with

regional desks. There is limited evidence of broader relevance to DCAD's other areas of programming. The Desk has remained in CSDEU since 2004, with no formal review of the suitability of the Desk's location in intervening years.

CSDEU is a demanding and time-pressured section of DCAD. The primary function of the Unit is policy development for donor support to and through civil society in developing countries, partnership management with the development sector in Ireland, development education and overseas development volunteering. Until November 2019, the Unit was also responsible for Irish Aid country programmes in Palestine and Vietnam and the Mekong Delta.

In 2019, CSDEU had responsibility for the management of €122.2 million in development cooperation funding<sup>5</sup>, including the €202,000<sup>6</sup> budget allocated to election observation. CSDEU's responsibilities are heavily fiduciary, and focused on due diligence and partner relationship management, which from 2018 was guided by the Department's Standard Approach to Grant Management. According to a 2018 EAU assessment of staff resourcing for partner management in the then known DCD,<sup>7</sup> CSDEU colleagues appeared to be under more pressure than staff in other units of the Division and there was a strong sense of personal responsibility and accountability for the risks and issues associated with managing civil society partners. Annex 5 illustrates the number of partners managed and number of staff across DCAD units in 2018. Since that 2018 EAU assessment, additional staff resources have been secured for partner management and, specifically, to help manage the voluminous correspondence received by the EO Desk.

Whilst budget is not the sole indicator of strategic importance for DFA, there appears to be somewhat of a disconnect between the policy responsibility and management of the politically-focused, but small budget, EO Desk and the rest of the CSDEU's large budget partner management work. One similarity, however, between partner management and election observation is the high-pressure, time-sensitive and high profile nature of the work.

There is one other volunteer roster managed by the Department – the Rapid Response Roster managed by Humanitarian Unit. This roster, unlike, the election observation roster, is managed by the Unit with responsibility for determining policy associated with the initiative, thus allowing for greater cohesion between the policy direction and operation of the roster.

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<sup>5</sup> Vote 27 International Cooperation Budget 2019, Meeting of the Inter-Departmental Committee, including the 2019 UNRWA budget.

<sup>6</sup> In addition to the €180,000 approved in the IDC budgeting process, the SMG in September 2019 approved a reallocation of an additional €22,000 to the election observation budget

<sup>7</sup> 'Assessment of Staff Resourcing for Partner Management in Development Cooperation Division', Evaluation and Audit Unit, December 2018

An additional complexity of the Desk's location in DCAD is the fact that it draws its budget from Vote 27, International Cooperation – one of DFA's two budget votes. The expectation is that DCAD's spending is classified as ODA in accordance with the standards of the OECD Development Cooperation Assistance Committee (DAC). The fact that OSCE EO missions can be deployed to all of its Member States means that Ireland generally does not engage in all potential EO missions, in order to protect the ODA eligibility of its election observation spending. Whilst the sum concerned would be relatively small, procedurally it would be incorrect for expenditure in non-DAC countries to be categorised as development spending subject to the scrutiny of OECD DAC. The current practice is to nominate only Irish volunteer observers to missions in DAC-eligible countries - in contrast to some EU and OSCE Member States (MS) who nominate experts to all missions, including to fellow EU MS.

In addition to financial and resource availability, it seems that the EO Desk has remained in CSDEU due to a perceived lack of a 'perfect alternative' location. There appears to be no immediately obvious home unit for the Desk in any DFA Division within the current thematic divisional structures. While there are thematic links to election observation with units in Political Division, such as Human Rights Unit, Political Secretariat and Conflict Resolution Unit, that Division has traditionally been focused primarily on policy.

Ireland's continued engagement in election observation aligns perhaps most closely with the policy priorities of EU Division, as it is a vehicle for Ireland to demonstrate its role as an active EU and OSCE member. If Ireland were to abstain from engaging in election observation missions, the policy objectives and relationships managed by EU Division would be most affected. Ireland's commitment to OSCE election observation missions is outlined in Resolution 8 of the Copenhagen Declaration<sup>8</sup>, signed by Ireland in 1990. Additionally, the 'Our Place in Europe' goal is one of the five high level goals outlined in the 2015 foreign policy, 'The Global Island'<sup>9</sup> and the Department's Statement of Strategy 2017-2020.<sup>10</sup>

The countries engaged in EU election observation consist of the 27 EU Member States along with Norway, Switzerland, UK and Canada. Of those, Germany, Denmark, UK and Norway outsource the management of their election observer rosters to an external agency or organisation. Of the other 26 foreign ministries who manage their EU election observation

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<sup>8</sup> 'The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE/OSCE participating States and any appropriate private institutions and organisations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavour to facilitate similar access for election proceedings held below the national level.'

<https://www.osce.org/odihr/elections/14304?download=true>

<sup>9</sup> The Global Island, 2015: <https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf>

<sup>10</sup> DFAT Statement of Strategy 2017-2020: <https://www.dfa.ie/media/dfa/alldfawebsitemedia/aboutus/DFAT-Statement-of-Strategy-2017-2020.pdf>



rosters internally, 12 countries' focal points sit in their Political Directorate, with four based in human resources, three in multilateral/international organisation division and the remaining ten in a variety of divisions. In relation to OSCE missions, the only additional outsourcing Member State is the United States, which has contracted out the management of election observers to Pacific Architects and Engineers Incorporated (PAE) via a rapid expert assistance and cooperation teams contract. Poland's approach is split: deployment to EU missions is managed internally while deployment to OSCE missions is managed by the Solidarity Fund, a state agency. Ireland appears to be the only EU or OSCE country where the EO focal point sits in the Development Cooperation Division. A full breakdown of countries' focal points is available in Appendix 2.

### **Role of the EO Desk:**

At present, the Desk primarily carries out an operational function. It also leads on election observation policy by default although operational constraints meant that its ability to carry out that function is arguably underdeveloped and disconnected from wider policy responsibility within the Department for democratisation and the rule of law

In the first instance, views on whether to engage or not in an EOM are sought from the relevant regional desk and/or Mission. The work of the EO Desk is not guided by a dedicated strategic annual programme and is primarily reactive to calls for observers. Once a mission has been approved (by DCAD) for engagement and observers are deployed, the relevant regional desks rarely engage further with the EO Desk. Some officers from regional desks stated that they often read the election observation mission final report related to their allocated countries, but would not initiate follow up contact.

Observers are requested by the EO Desk to complete a debrief form, which has an operational rather than political focus. Data on the number of observers deployed by Ireland is often requested for annual reports, and had been an indicator in reporting to DPER, but little qualitative information is requested.

Other countries engage in more formalised post-mission interaction, with in-person debriefs or political reporting a mandatory requirement of being deployed on mission. This allowed a more extensive and holistic interaction with observers and could generate political insight, particularly on the context in countries where Ireland has no formal diplomatic presence.

Whilst post-mission debriefs could provide an opportunity for relationship building with election observers and may be beneficial to regional desks, it is important to note that election observers are deployed by the Department (or any other country) to work as part of collective on behalf of the EU or OSCE. Observers often only spend time in one specific region, observing a limited number of election centres. It is questionable how valuable the insights of, in particular, STOs might be given the rather limited perspectives they experience.

Both the EU and OSCE-ODHIR emphasise that the official EOM final report should be the primary point of reference, as it is the synthesis of all reports from election observers and

core team<sup>11</sup> experts (legal, political, security, social media etc.). All other channels of reporting, such as in-person debriefs, are therefore considered to be the personal opinion of an individual or small group, rather than the official stance of the election observation mission. Peer ministries seeking to discuss elements of a particular election often correspond directly with colleagues in the OSCE and EU, who welcome the opportunity to support member states and provide insight on the findings and recommendations from election observation missions. Considering the administration and cost of organising in-person debriefs, along with the potential subjectivity of feedback, the review team does not feel that additional in-person debriefs would add any considerable value for regional desks or the wider Department.

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<sup>11</sup> The core team is composed of 10 to 15 international experts, depending on the size of the mission and the specific needs of the OSCE participating State to which a mission is deployed, and includes both analysts and operations experts. Their assignments typically vary between 2 and 8 weeks. Experts are selected through an open recruitment procedure, based on their qualifications and experience according to the responsibilities and requirements stipulated in the terms of reference for each position.



## **B. Management of the Mustering Process**

### **Context**

As described in Section A, the Department's role is to muster and manage a roster of suitably skilled Irish citizens who are available to participate as election observers in EU or OSCE international election observation missions (EOMs). There are currently 199 people placed on the Irish roster. Typical missions consist of approximately 60-100 people drawn from across the potential contributing countries, with headcount depending on the type of election and number of observers required on Election Day. National ministries do not play a role in the core team application or selection processes.

During the 2015-19 period, Ireland participated in an average of 15 EOMs annually, deploying 55 observers on average each year. Irish citizens can also participate directly in EOMs coordinated by other international bodies such as the Carter Centre, and directly apply to the EU or OSCE for core team roles.

The work of the EO Desk comprises two main streams of activity for the Department:

- “Mustering” the roster involves assembling the panel of roster members, hitherto done twice (in 2013 and 2018/19), and involving multiple stages from advertising through to selection and vetting for roster membership; and
- Day-to-day management of the existing roster, which involves the administration of the nomination of volunteers to EOMs and the overall policy relationship with the EU and OSCE election observation functions.

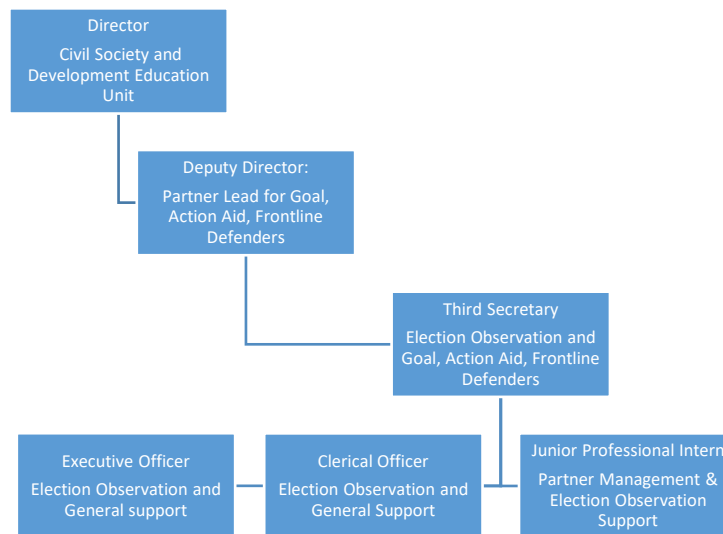
We deal with these two dimensions separately Sections B and C of this report.

As currently constituted, the EO Desk consists of four officers of varying grade (see Chart 1.1 below). Aside from the Executive Officer, team members are not assigned to election observation on a full-time basis and have other key responsibilities including partner management of over €12 million in development grants. Also, if and when necessary, “additional support from Development Co-operation and Africa Division is deployed in support of the Desk”.<sup>12</sup> This can be considerable in peak periods such as the roster mustering process in 2018/19 and processing of the corresponding high volumes of PQs and FOIs and other transparency instruments. As such, the relatively small sum of €180,000

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<sup>12</sup> Overseas Election Observation Roster Information Note for the Joint Committee on Foreign Affairs, Trade and Defence, May 2019, paragraph 13.

allocated for election observation is for expenses arising for roster missions and does not capture real cost as it excludes the input costs of the Desk officers time, and that of additional support, which fluctuates according to need, and associated opportunity costs.



*Chart 1.1 – Organigram of CSDEU EO Desk and Management*

## Roster Mustering

### Roster Mustering 2013

#### *Overall Process*

As described earlier in this report, th inherited the election observation function from APSO when the agency was closed in 2004. Between then and 2013, this involved managing the existing roster as inherited. Members of the APSO roster had originally self-selected on a relatively ad hoc basis. There was also no formal process for deactivating membership and members rarely left. This resulted in a large roster of which only a small proportion were nominated annually for missions.

In 2013, it was decided to muster a smaller roster which would be time-bound, with all participants being subject to a formal and systematic selection process.

One unanticipated consequence of the decision to introduce a selection process for the volunteer roster through the 2013 mustering process continued to affect its subsequent operation. This involved a pre-2013 roster member who was not selected for the 2013 roster. The individual concerned has since submitted a series of FOI and other transparency

requests regarding the mustering process and its operation, to which the Desk has had to respond. When the Department refused to grant one of these FOI requests based on Section 15.1.G of the FOI Act 2014<sup>13</sup>, the individual appealed firstly internally, thereafter to the Office of the Information Commissioner (OIC), and subsequently to the High Court. The Department's original decision was upheld at each stage, and the High Court awarded costs against the individual. The appellant has appealed the ruling to the Court of Appeal. A hearing scheduled for March 2020 was postponed due to COVID-19. While the Courts Service subsequently requested that an online hearing be scheduled in April 2020, it was not possible to secure the agreement of all parties to the proceedings to hold the hearing online. We return to the issue of transparency and accountability requests in Section D.

### Roster Mustering 2019

The lifetime of the 2013 roster was extended by seven months to 31 December 2018. This was due to a late start in the application process, primarily resulting from a lack of urgency and high workload. This high workload was in part as a result of transparency and accountability requests, legal proceedings related to the 2013 application process and the need to take legal advice and complete preparations for legal proceedings related to a decision of the FOI Commissioner.

The review team is satisfied that the application process for the 2019 roster was fair, transparent, largely fit-for-purpose and proportionate for a roster comprised of volunteer members. It is evident that great efforts were made to further professionalise and build on the 2013 mustering process with the aim of sourcing the most suitable election observers. Certain coordination issues and lessons for future roster mustering were also noted, these will be discussed later in the report.

#### *Process*

The roles of the EO Desk and Human Resources (HR) in the mustering process evolved over the process. The decision on which business unit would ultimately assume overall responsibility for the management of the mustering process was only finalised shortly before the application process was launched, which was delayed. The delay was largely as a result of the Desk's heavy workload, this delay lead to increased political attention, in the form of PQs (Parliamentary Questions).

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<sup>13</sup> 15(1)(g) of the 2014 Act – under this particular subsection a request for freedom of information may be reused if the request in the opinion of the head, is frivolous or vexatious or forms part of a pattern of manifestly unreasonable requests from the same requestor

In the first quarter 2018, the HR function developed a detailed volunteer information booklet with support from EO Desk colleagues. A competency-based roster application form was also developed and designed to challenge applicants, focusing on their response and aptitude for the role, as well as their experience. It was not clear at that point whether HR or the EO Desk would lead the mustering process, ultimately resulting in a perceived 'last minute decision' in June 2018 for HR to step back from the process leaving the EO Desk to be the sole responsible Desk. This decision was taken shortly before the applications opened in July, less than six months before the commencement of the roster.

Roster members interviewed spoke highly of the application process, stating that it was challenging, took time to complete and required them 'to really think' about their responses. However, some representations were received after the mustering process from some unsuccessful candidates uncomfortable with competency style applications.

Overall, the 2018/19 mustering process followed the same steps as in 2013 and ensured that:

- The opportunity was advertised on the Irish Aid website.
- A detailed Information Booklet was prepared and provided to potential applicants.
- Applicants had a 7-week window to complete a competency-based application form (similar to that typically used throughout the public service). These applications were the sole basis for selection of candidates.
- Applications assessed by one of eight panels made up of retired officials and current Department officers (unrelated to the EO Desk).
- An external company was contracted to quality assure the panels' assessments. Panel members received training, including in the nine grounds of discrimination <sup>14</sup>and on avoiding unconscious bias.

Prior to the launch of the mustering process, the EO Desk issued a survey to peer EU Member States' focal points to understand how they compiled their respective election observation rosters. The findings from this survey informed the Desk's approach to the 2019 application.

The decision on whether to undertake in-person interviews was considered by the EO Desk and DCAD management. A decision not to hold interviews was taken on the basis of proportionality. For a volunteer roster where those successful would, on average, see 16 days of observation over 5-year period, the resources required to conduct interviews would have been disproportionate. In addition, as roster members did not need to be ranked, a

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<sup>14</sup> Gender, Civil Status, Family status, Sexual Orientation, Religion, Age, Disability, Race and Membership of the Traveller community as outlined in the Employment Equality Acts 1998-2015:  
<http://www.irishstatutebook.ie/1998/en/act/pub/0021/index.html>

ranking tool such as interviews was not required. The Public Appointments Service – by way of comparison - does not rank candidates at shortlisting phase. This rationale is acceptable and it does not appear that the process of conducting interviews would have added any further value than the panel review of paper applications.

The review supports the EO Desk's view that "the cost of interviews would be disproportionate and that the assessment of competency-based applications would deliver both a fair outcome and value for money".<sup>15</sup> The Secretary General of the Department explained the decision not to interview potential volunteers in a letter<sup>16</sup> addressed to the Chairman of the Dáil Committee of Public Accounts in July 2018. This decision was reiterated in several responses to PQs in the summer of 2018. Neither of the foreign ministries interviewed by the review team conduct interviews for election observer volunteers.

### *Outputs*

A total of 395 applications were received by the deadline at 5.30pm on 20 August 2018. In line with the Desk's aim to ensure a high-quality process, the deadline was strictly applied, and all applications had to be submitted to the official mailbox and in the correct format. 377 applications passed the first stage of review, meeting the basic requirements of the application form. Each application was reviewed by one of eight panels, each chaired by a retired senior official and each comprising department officials (not from the EO Desk). An external quality assurance company independently verified the marking process.

Following the results of the original panels' assessments, a 'Marks Approval Panel'<sup>17</sup> decided that 5% of the roster members should be nationally elected politicians (current or previous) who reached the minimum passing score. This decision stated that, in order to "bring added visibility and credibility to a national roster",<sup>18</sup> three applicants with experience of having been elected to national level office and having received scores above the minimum passing score were added to the roster. Of the 204 selected applicants, 201 agreed to continue with their application and complete the security vetting; training; language verification checks; and

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<sup>15</sup> Information Note to JCFATD, May 2019, paragraph 24.

<sup>16</sup>[https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/committee\\_of\\_public\\_accounts/submissions/2018/2018-07-12\\_correspondence-niall-burgess-secretary-general-department-of-foreign-affairs-32r001477-pac\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/committee_of_public_accounts/submissions/2018/2018-07-12_correspondence-niall-burgess-secretary-general-department-of-foreign-affairs-32r001477-pac_en.pdf)

<sup>17</sup> Marks Approval Panel consisted of CSDEU Unit Director, Deputy Director and a representative Chair from one of the original 8 panels. The external QA advised the convening of this group as part of the process, in order to provide feedback on the process, recommend improvements for future processes and approve the results of the appraisals.

Eg. Candidates who filled out good applications, but did not demonstrate experience – benefits

<sup>18</sup> Information Note to JCFATD, May 2019, paragraph 27.

registration completion of online profiles with the EU and OSCE (the required criteria to become a full roster member).

A management decision was taken after the launch of the application process, to prioritise a specific cohort of professional experience. This quota was not imposed by the EU or OSCE, who both emphasised that their key criteria were; experience in election observation, demonstrated professionalism, ability to work within a team and positive attitude. According to the OCSCE and EU, it is Ireland's prerogative to prioritise certain experience or include a quota for nationally elected officials. Notwithstanding these points, it is the Review Team's view that the decision to prioritise a specific cohort of experience could have been made earlier and communicated via the information booklet.

### *Appeals Process*

A two-week window was provided for applicants to appeal decisions, closing on 31 December 2018. By then 34 appeal requests were received, 21 of which were deemed valid and were submitted to the appeals panel. The appeals panel consisting of one current department official with human rights and election observation experience and one retired senior department official, neither of whom had an earlier role in the process. The appeals panel did not re-score applications, but rather considered the grounds provided by the candidate for appeal and assessed whether there was sufficient justification to overturn the original decision and add the applicant in question to the roster. The determinations of the appeals panel issued to individual applicants on 4 March 2019, with two applicants added subsequently to the roster.

The review team notes that the appeals process took longer than originally anticipated by the EO Desk because legal advice was required regarding the admissibility of specific appeals.

During the appeals period, the topic of provision of reasonable accommodation on grounds of disability was raised by an applicant.<sup>19</sup> This was the centre of numerous parliamentary questions, political representations, freedom of information requests and data protection requests submitted to the Department during the appeals period. The matter of reasonable accommodation was considered tangentially by the Information Commissioner, whose decision of 6 February 2020 stated: "While the applicant disputes the Department's evidence, he has not presented any evidence to support his contention that he did include the request for reasonable accommodation with his application form". That case concerned an application under Section 9 of the FOI Act to amend an information note prepared for the JCFATD. The Commissioner found "that the applicant has not shown that the information at issue is, on the balance of probabilities, incomplete, incorrect or misleading". The

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<sup>19</sup> No such request was received by the Department at the original application stage.



Commissioner further found that the Department was justified in refusing to amend the information note in question.

A reasonable accommodation box for disability was not included in the election observation application form. Whilst this is considered best practice in recruitment, this was not a recruitment process. Indeed, it was confirmed to the review team by the Public Appointments Service (PAS) that there is no legal obligation to include this provision. The review team is satisfied that no individuals were discriminated against throughout the application process by the absence of a reasonable accommodation request box.

While the 2018/19 mustering process was transparent, fair and conducted to a high level, there was no guiding authority or internal support available to the EO Desk when conducting this process. In addition, due to regular Departmental rotation of officers, no member of the EO Desk was present for the 2013 application process. None of the relevant officers had overseen a volunteer selection process in the past, yet they were required to undertake a challenging role. This is not unexpected as overseeing a volunteer mustering process is not a regular activity for department officers, the 2013 and 2018/19 processes are the only two that have been overseen by the department. The role required officers to identify and implement volunteer mustering best practice; assess elements of Irish employment law and decide whether they were relevant to a volunteer roster; devise eligibility criteria; organise Garda vetting and language testing; and generate assessment panels, all the while operating within a context of intense political scrutiny and some officers managing other heavy workloads, unrelated to Election observation.

### *Outcomes*

The objective of the 2018/19 mustering process was to source a suitable cohort of qualified election observers via a transparent, fair and stringent application process. Both the EU and OSCE recognise the quality of election observers deployed by Ireland. Both organisations have said that they do not have a preference for a particular mustering approach, and they confirmed that Ireland's approach has yielded high quality, suitably qualified observers. Highlighted attributes for a good observer were: strong motivation (non-monetary); clear sense of purpose whilst on mission; clear understanding of the role and boundaries of an election observer; and knowledge of election observation methodology. Gender balance, variety in career background along with language skills were additional factors. It was suggested by EU and OSCE officials that, whilst 200 people may be a suitable size, the number of applications per mission is a more accurate depiction of the true level of interest amongst the roster. This issue is further dealt with in Section C.

These attributes were echoed by consulted roster members, who highlighted the importance of professionalism, ability to work in challenging circumstances, ability to show initiative and a teamwork mentality, as critical for a good election observer. They were satisfied that the 2018/19 application process allowed candidates to express these qualities. It was felt that although there were no in-person interviews, the application form required them to prepare,

think about their motivations and experiences and effectively communicate their suitability for the role. Whilst roster members agreed that there was no need for in-person interviews, they felt it would be beneficial for the Desk officers to meet with roster members before their first deployment on an EOM.

### Conclusions

The review team concludes that the 2018/19 election observation roster mustering process was transparent, fair and carried out to a high standard. However, the work generated for the EO Desk officers as a result of the process, including related transparency requests, appears to have dominated the majority of their workload for 2018/19, despite officers having key responsibilities. During the mustering process, the EO Desk officers discharged their standard responsibilities such as deploying observers on EOMs and their main responsibility, which is partner grant management.

The current system of a five-year roster places significant emphasis on the roster mustering process. However, issues regarding both the size of the roster and the lack of measures to remove inactive members, as outlined in the next section pose greater difficulties than the roster's five-year duration.



## **C. Management of the Roster**

This section of the review focuses on the day-to-day management of the current roster, which came into effect on 1 January 2019. Whilst the application process differed between 2013 and 2019, the overall approach to managing the roster has remained largely the same. The workload involved in the immediate management of deployments and the overall roster is largely predictable and process-driven. However, legacy issues from the 2013 and 2018 application processes have significantly impacted on officers' workloads and widened the role of EO Desk officers (as outlined in Section D).

### **Focal Point Role**

Desk officers represent Ireland as the national focal point within the EU and OSCE election observation communities. This involves attending and contributing to biannual focal point conferences and acting as intermediary between election observers, policy desks and the EU and OSCE. There is also an opportunity for all focal points to engage in at least one election observation mission per year, to gain a better understanding of the role and the challenges faced by EOs. If observers wish to submit a formal complaint or feedback, it is the role of the national focal point to escalate and communicate on behalf of the observer to the EU or OSCE. Roster members were positive regarding their interactions with the Desk officers in this capacity, noting their responsiveness and tact in handling often sensitive personal issues.

It was noted by both the EU and OSCE that Ireland has a high turnover of EO focal points. This churn has been the result of diplomatic postings, promotion and officer rotation. It is felt by both organisations, and by peer foreign ministries, that the same post-holder should ideally hold the focal point position for a number of years. This would enhance a member state's ability to develop a strong reputation as an engaged and knowledgeable member, to influence policy and the future direction of election observation, and to develop strong relations with roster members. At present, the Department's ability to retain staff more long-term on election observation is hindered by the intense external scrutiny and heavy associated workload, which results in the need for more frequent rotation.

### **The Deployment Process**

The workload involved in managing a deployment greatly varies, depending on whether the observers are deployed on an EU or an OSCE mission. The OSCE missions are considerably more labour intensive for national EO Desks, as the onus rests on them to book flights, and liaise with the OSCE, organise and pay stipends, along with the mandatory fixed cash contribution per observer to be paid to the OSCE on day one of each deployment. For the most part with EU missions, these administrative, but time-consuming tasks are carried out by the EU Election Observation and Democracy Support (EODS). Due to the lower cost and administrative burden, it appears that some Member States may prioritise deployment to EU over OSCE missions, although Ireland does not do so.

### Selection of Missions

As noted above, Ireland participates in approximately 15 EO missions per year. When the EU or OSCE issues a call for observers, the EO Desk circulates the call to the relevant regional desk for input as to whether or not Ireland should engage. This feedback is assessed by the Director of CSDEU and, where relevant, the Director General of DCAD, who ultimately decide on which missions to proceed with. This decision is based on the political and policy relevance for the Department, financial cost (considerably greater for OSCE missions), budget availability and the Desk's capacity to manage the whole process. Whilst some elections observed by the EU and OSCE are snap elections and therefore impossible to plan for in advance, many are part of a standard election cycle and to some degree predictable for each coming year. The review team has noted that the EO Desk has undertaken some measures to address this absence of planning in early 2020.

### Nomination of Roster Members

The deployment process is often highly time-pressured with a call for observers from the EU or OSCE allowing only a very short turnaround period<sup>20</sup> between notification and submission of nominated applicants. For each deployment, the EO Desk notifies roster members by email of the call for observers, and they must complete a dedicated application form, setting out their relevant experience (including in the region and country), election observation-related skills/training/experience, and language ability where relevant. Observers must also ensure their EU/OSCE profiles are up-to-date on the relevant database. This application must be submitted to the EO Desk without delay, sometimes within a three-day deadline.

Information related to the age and gender of the applicant is then hidden, and desk officers review the applications. As determined by both the EU and OSCE, Ireland and its peers may deploy up to 15% of the overall number of observers (often less for EU missions). As such, the Desk will typically select and submit five or six applicants for consideration to both organisations. This appears to be a particularly stringent and labour-intensive process. Other national approaches vary significantly. For example, in one peer foreign ministry interviewed, the EO Desk does not issue a notification – it is each roster member's responsibility to stay abreast of calls for election published by the EU/OSCE and then submit an expression of interest to the Desk. Following receipt of interest, the focal point reviews their profile and expression of interest to determine their suitability and nominates the most suitable candidates to the EU or OSCE.

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<sup>20</sup> For example, North Macedonia call came in on 17 Feb with nomination deadline of 21 Feb and registration deadline of 26 Feb

### Sign-off

In the Department, nominated EOs for each mission are individually cleared by the Deputy Director responsible for Election Observation, the Director of CSDEU, the Director General of DCAD and finally approved the Minister of State (MoS) for the Diaspora and International Development before submission to the EU or OSCE. This process takes place through the online eSubmissions portal.

In light of the high level of commitments and travel of the Minister of State, the process of obtaining Ministerial approval can be challenging within such tight timelines. It is unclear when or why the practice of MoS approval for each mission began, considering s/he already approves the full list of roster members upon completion of the mustering stage. Because of the intense workload and extensive sign-off process, both department officers and EU and OSCE focal points noted that Ireland is sometimes late in submitting their nominations. Whilst the EU and OSCE understand these delays, it is important to address efficiency opportunities in the sign-off and deployment processes.

### Interaction with Roster Members

EO Desk Officers are the key department interlocutors for all election observers before, during, after and in-between missions. Tasks include: booking flights; organising payments; relaying feedback to the EU or OSCE; organising and holding training; answering general queries; and managing each mission's application process. Whilst roster members were satisfied that their queries were answered promptly and effectively, aside from each 'call for observers', they felt overall that there was a general lack of proactive interaction with the Desk. Members also noted a decline in interaction in recent years. This is likely due to the extensive workload, and high volume of FOIs, PQs and other transparency instrument-related queries being dealt with.

Officers expressed a sense of frustration at the lack of time to organise additional trainings, annual seminars and/or networking opportunities for roster members. Roster members appreciated ad-hoc and informal meetings; though officers were understandably concerned about equity of opportunity (there is currently greater accessibility for Dublin-based roster members). However, both the EU, OSCE and peer foreign ministries stressed the importance of focal points 'getting to know their observers' through face-to-face interaction. Both organisations and peer foreign ministries felt that all roster members should be met in person prior to their first mission. On a side note, roster members are not officially informed of staffing changes at the EO Desk. This could lead to disjointed relations.

The EU and OSCE were overall complimentary of Ireland's EO focal points and expressed a willingness to provide training in Dublin for EOs from Ireland and other member states at no cost. The Desk invited the Regional Coordinator with the Election Observation and Democracy Support project (EODS II) to deliver its four 2019 training sessions for the new

roster, which all roster members were required to attend. A desire for additional training on election observation and core-team roles was expressed by roster members. Roster members also expressed a desire for increased information regarding the selection process for each mission, for example, the number of applicants for each mission and the number of applicants with the relevant language competency.

### Roster Size

The review team notes roster members' frustration with the infrequency of their deployment on missions. However, it should be noted that this is inevitable given the current roster size of 199 individuals and Ireland's participation in approximately 15 missions per year. The Department makes this clear to the roster members and the Desk endeavour to send each member on at least one mission in the five-year cycle. This is the rationale for nominating members who have no experience and for not automatically nominating members who have the most experience. As a rule of thumb, all things being equal, a member would not be sent on an EOM if they have gone on a mission in the last 12 months.

Neither the EU nor OSCE expect member states to maintain a roster and, in consequence, do not impose any rules on the size or type of roster held by member states. The current roster size of 199 exists as a legacy of APSO's previously unlimited roster. Given the limited opportunities to engage in EO missions each year, a smaller roster size would be more suitable to ensuring regular participation of members. The EU and OSCE both stressed the importance of providing opportunities to new observers, which is currently challenging for Ireland considering the size of the roster. However, desk officers seem to understand that the EU does not accept first time observers.

While the new roster was set up with a provision that members had to apply for two missions by end of 2021 or they would be removed (with exceptions for e.g. maternity leave), the department does not have a more regular and ongoing system to remove inactive members from the roster. A peer ministry enforces a system of removing members from the roster if they do not send proof of completion of the online EU election observation training every two years. That peer ministry's focal point thought that this obligation has resulted in a smaller, yet more committed, roster of 80 individuals who are proactive and regularly engaged in the process.

### Transparency Requests

The range of transparency and accountability requests submitted to the EO Desk is extensive, with each request type requiring the officer responsible to have a detailed understanding and application of the relevant legislation. As well as being complex, distinctive processes, these frameworks are often interconnected and require a holistic view. For example, the same member of the public may submit, concurrently or in short order: Freedom of Information requests (and corresponding appeals to the Office of the Information

Commissioner); Access to Environmental Information requests Data Protection Requests (and corresponding appeals to the Data Protection Commissioner), representations through the political system or via members of the media representations to Oireachtas committees; representations and requests to the EU and other member states; and complaints to the Office of the Ombudsman.

Dealing with transparency and accountability instruments, including but not limited to those cited above, requires staff members to deprioritise existing work demands in order to enable statutory deadlines to be met. It also requires them, at times, to innovate from first principles in assessing the interplay between transparency instruments. For example, the interaction of FOI legislation and the new data protection obligations in a circumstance where the responding officer has a quasi-legal function without necessarily having access to the level of appropriate legal knowledge.

Information provided or alluded to, in a data release following a request may be used to generate new forms of requests. As the Responding Officer tasked with responding to these complex queries and frameworks is undertaking a quasi-legal function, it is imperative that the Department provides them with adequate training and legal support for escalation. This would protect the officer and help ensure that the legislation is correctly applied, and that requesters receive the appropriate response and information. The review notes that the practice of certain correspondents has been to appeal each stage of the process (including to the High Court), thereby placing onerous responsibility on the Responding Officer.

At present, the Desk is supported by the Department's Security and Corporate Compliance Unit (SCCU), namely the FOI and GDPR Officers. It is not clear whether there is a trigger to transfer cases to a central function, and this leaves desk officers to do much of the work on repeated and/or complex requests. There is no in-house legal expertise mandated to support complex or escalated cases that involve interaction between several transparency laws and accountability bodies. It appears that, in the cases described, opportunities to engage with the Central FOI Unit in DPER for advice were not fully utilised by the SCCU.

## Conclusion

The EO Desk effectively oversees a wide range of tasks such as: managing the EO mission application process; acting as national focal point with the EU and OSCE; liaising with regional desks; responding to general queries from roster members; managing burdensome logistics for volunteer observers; organising training; and, every four-five years, managing the roster mustering process. Considerable effort and time has also been spent responding to transparency-related requests and navigating the complex and inter-connected legal frameworks. The review team's overall assessment is that the officers are dedicated and competent, especially given the level of resources available. All regional desks, the EU and OSCE, and roster members were largely positive about their interactions with the EO Desk. There are opportunities for streamlining of existing processes and management

arrangements, and the review team encourages the initial steps undertaken by the Desk to address these.

### D. Transparency Requests and Organisational Impact on the Department

#### Key Findings

##### Opportunity Costs

As highlighted in Section A, the organisational location of the EO Desk in CSDEU has resulted in related opportunity costs for the Department – some due to the nature of the EO Desk and others exacerbated by its location in the already pressurised CSDEU.

This report has already drawn attention to the onerous workload associated with certain transparency requests that are unprecedented in the Department. As outlined in Section C, these requests primarily concern the 2013 and 2018/19 mustering processes. Despite the mustering process concluding in March 2019, the EO Desk has continued to receive transparency requests in relation to all aspects of the process. The volume of correspondence received was exceptional – as noted by one submission to the FOI Commissioner; the Department received over 160 items of correspondence from one individual in just over a calendar year<sup>21</sup>

The EO Desk received 16 FOI requests in 2019 alone, as well as six others on which observations were required, making up 5% of the Department's total number of FOIs. It also received 59 PQs, or 4% of those submitted to the Minister for Foreign Affairs and Trade<sup>22</sup> in the same year. These are additional to a large and increasing volume of general correspondence. Over the last two years, the EO Desk has had to request additional officers from across DCAD for support during peak periods, to assist with the roster mustering process, the resulting surge in PQs and administrative work, and particularly on data protection and vetting. The table below summarises the transparency requests processed by the EO Desk between 2015 and 2019.

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<sup>21</sup> Letter from the Department to the Office of the Information Commissioner "It is noteworthy that between 26 May 2018 (the date of the requester's first subject access request under the DPA/GDPR) to 18 June 2019, the Department has received 164 individual emails from the requester." 27 June 2019.

<sup>22</sup> 92 oral PQs and 1325 written PQs submitted to the Minister of Foreign Affairs and Trade in 2019.



## D. Transparency Requests and Organisational Impact

	2015	2016	2017	2018	2019
<b>Parliamentary Questions</b>	8	11	30	31	59
<b>FOI Requests</b>	3	7	0	2	17
<b>FOI Request Internal Reviews<sup>23</sup></b>	0	2	0	1	10
<b>OIC Requests<sup>24</sup></b>	0	2	0	0	7
<b>Data Access Requests<sup>25</sup></b>	1	1	1	1	5
<b>Reps</b>	6	2	5	5	20
<b>Ombudsman Reviews</b>	0	1	2	0	4
<b>Election Observation Budget</b>	€180,000	€180,000	€200,000	€250,000	€180,000

*Table 1.2 – Transparency requests submitted to the EO Desk 2015-2019*

It is important to note that some elements of the EO Desk's remit are impossible to plan for, such as a call for observers for snap elections and high volumes of transparency requests, arriving during the same period. Officers on the Desk often feel that they are in a state of constant firefighting and are unable to dedicate optimum attention to their partner management work, which is the core work of the CSDEU and which operates to a different calendar. In 2019, for example, the department has been the subject of seven Office of the Information Commissioner appeals and is a notice party in one High Court appeal against the OIC relating to an FOI case on the 2013 election observation roster, which have required extensive work from the Desk. As already noted, these transparency requests and appeals are largely unprecedented for the Department, and internal supports available to the desk officers have been limited. It should be noted that the Information Commissioner upheld the decisions of department officers in these complex appeals and, further as cited earlier, the Commissioner commented that, "the applications or the applications to which the reviews related were vexatious."<sup>26</sup>

<sup>23</sup> If an individual is not satisfied with the response of the FOI body, for example, refusal of information, form of access, charges, or if they have not received a reply within 4 weeks of initial application, they can seek to have the decision re-examined. The internal review is undertaken by more senior members of staff within the body and must be made within 3 weeks.

<sup>24</sup> If an individual is still unhappy with the decision following an internal review, they can appeal the decision to the Office of the Information Commissioner, who investigates complaints of non-compliance with FOI legislation

<sup>25</sup> Article 15 of the General Data Protection Regulation (GDPR) gives individuals the right to request a copy of any of their personal data which are being 'processed' (i.e. used in any way) by 'controllers' (i.e. those who decide how and why data are processed)

<sup>26</sup> "In 2018 I discontinued 13 related applications for review on the basis that the applications or the applications to which the reviews related were vexatious. All 13 related to a long-running dispute the applicant had with a particular public body and a specific service provider. I was satisfied that submitting FOI requests had become an integral part of the applicant's strategy in pursuing his grievance and that the 13 applications formed part of a pattern of conduct in terms of his use of FOI, with no regard shown by the applicant for the significant burden



The Desk has been reliant on the legal background of existing and previous desk officers, which is not a requirement of the role, but rather a beneficial coincidence. Officers are expected to decipher the appropriate response and ensure the legality of all responses to requesters. Table 1.2 above and the case study below present a snapshot of the variety of requests. The legal knowledge and role that officers have had to undertake extend beyond what is expected of their grade. The current volume and complicated nature of transparency requests and appeals in relation to election observation have reached a point where it is unreasonable for desk Officers to be the responding officer in all cases. Legal expertise is not part of the desk Officer's role profile and undue stress has been caused to staff with negative impact on the overall functioning of the Desk.

### **CASE STUDY: WEEK ENDING 6 DECEMBER 2019**

*Officers on the election observation desk were tasked with responding to:*

- One Subject Access Request
- Two PQs;
- One letter to the Minister of State;
- Two FOI requests;
- One Ombudsman complaint;
- Two calls for observers from EU; Peru and Guyana.

*Aside from election observation work, several major partner management deadlines approached;*

- Payments to two civil society partners and requisite due diligence due 11 December;
- Partner Governance Review
- Partner Monitoring visit to Africa.

This incessant volume of work presents significant opportunity costs and risks for the Department. Officers assigned to CSDEU are responsible for managing high-profile civil society partners and large grants. The Department's Standard Approach to Grant Management must be rigorously applied to protect the integrity of Ireland's funding and ensure high quality partnerships. Normally, these officers would also contribute to the Department's wider policy development in the areas where their grant partners work, such as on civil society space, human rights defenders, combating gender-based violence. However, officers responsible for election observation and managing civil society partners are being spread thinly, which could result in less rigorous oversight and potential errors. Delays in the processing of grants to CSDEU's partners bear huge reputational risk for the department and have wide-ranging repercussions in terms of potentially

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the pursuit of his grievance had placed on the body. When I discontinued those cases, I provided the applicant with a detailed explanation as to why I deemed his use of FOI to be an abuse of the FOI process. However, this did not stop the applicant from making additional requests to the same body and applying to my Office for reviews of the decisions taken. Indeed, my Office discontinued three further applications for review from the applicant during 2019 and refused to accept four further applications for review.", as cited in Information Commissioner Annual Report 2019, op cit.

incurring gaps in support to vulnerable groups and a potential impact on quality of programming and the relationship between the Department and the Irish overseas development sector.

### Impact on Officers

The constant volume of transparency requests can paralyse the work of the Desk, with officers required to re-prioritise their other responsibilities in order to meet strict statutory deadlines. Such public and political scrutiny can delay and complicate the completion of otherwise straightforward tasks. Officers expressed the need to be on the alert and highly cautious when carrying out their work as they feel there is a risk that their words could trigger more requests or imply impropriety. In responding to and following up with requests, staff often need to correspond directly with requesters. This correspondence can become personalised, referring to officers' grade or probation status. Such references and other targeted remarks, including perceived targeting according to gender have led to staff feeling undermined and dejected.

In the case of the Executive Officer role, partner management responsibilities had to be removed entirely in order to free up time for the day-to-day election observation work. This has led to a dilution of the officer's responsibilities and role profile, removing a stimulating and rewarding aspect of their role. Indeed, this pattern of removal of responsibilities in order to free up time to manage the transparency and accountability aspects of the EO Desk has had a broader impact across the section.

This alteration in responsibilities within the Unit, along with delays in disbursement of funding to major grant partners, whilst inevitable, risks of affecting morale amongst the Desk. Officers stated that it was sometimes difficult to separate these outcomes with their self-perceived performance, and expressed frustration that their work was under such scrutiny and so regularly required management intervention.

Officers described a sense of 'ongoing stress' significantly above and beyond what would be considered normal in relation to their work on election observation and related requests. As stated earlier, it is felt that there is little by way of official department policies or internal supports on responding to unreasonable requests. This has exposed desk officers to repetitive and sometimes, personalised, correspondence, calling in to question their ability to perform their work, and the propriety of their actions.

It should be noted that amongst interviewed focal points in foreign ministries, the management of election observation volunteers was a straightforward activity, that rarely exceeded the assigned 15-20% of a single officer's workload.

### Escalation to Senior Management

Due to its budget and largely administrative function, the EO Desk has been assigned 10% of the time of a First Secretary/Assistant Principal Grade. It is assumed that most work can be carried out autonomously by the Executive Officer, with oversight from a Third Secretary; 50% of whose time is dedicated to election observation. However, these allocations are regularly surpassed during peak periods, particularly regarding transparency requests.

An unprecedented level of political scrutiny has resulted in the Director of CSDEU and the Director General of DCAD spending significant time each on election observation related-issues. Considering that the overall DCAD allocation<sup>27</sup> for 2019 was €545 million and civil society budget was €122.2m, such an amount of time seems disproportionate to be spending on an area with a budget of €180,000. Desk officers and senior management have described periods where they have had to cancel, postpone or come to work during annual leave in order to draft responses to these queries and legal proceedings, as well as working late and on weekends.

### Conclusion

The review team has found that the high volume of work generated by responding transparency requests has had considerable organisational impact. This includes delays to civil society partner funding, and occasional delays in nominating election observers for EU and OSCE missions. Committed desk officers have worked hard to protect relations with CSDEU partners. However, delayed disbursement of funding place the department's partners under strain and could result in wider programming and implementation implications, especially for beneficiaries who are among the poorest of the poor in developing countries. This is despite the actions already taken within the Department to assign more resources to this area to mitigate against these potential reputational risks of delayed grant payments and opportunity costs of diminished attention to grant management resulting from an overburdened Unit.

At the time of this review, the level of scrutiny and corresponding workload involved in being an EO Desk Officer is having a wider impact on officers' wellbeing. Whilst the Department has a duty to adhere to the transparency framework (including FOI and DPRs), it also has a responsibility to protect its officers. Officers are currently engaging in legal responses beyond what is expected of a standard Executive Officer, Third Secretary or First Secretary.

The heavy workload is not reflected in peer foreign ministries, where the management of the EO roster is straight forward and makes up just a small proportion of the assigned officer

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<sup>27</sup> Inter-Departmental Committee, Official Development Assistance Budget 2020

## **D. Transparency Requests and Organisational Impact**

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workload. The review team is of the impression that it is the auxiliary transparency-related tasks of election observation roster management that are time-consuming and complex rather than the administrative and relatively simple task of nominating and managing volunteer observers.

## Conclusions and Recommendations

Presented below are the review team's conclusions and corresponding recommendations categorised according to theme. Of these recommendations, one is categorised as high priority, 9 medium priority and 7 low priority. These are outlined in Appendix 4.

### A. Desk Location and Role

The current location of the EO Desk in DCAD, and more specifically in CSDEU, is worthy of discussion. Although DCAD supports democracy-building and civil society space initiatives, there appears to be no direct link between engagement in election observation missions and these other areas of programming. In contrast to its responsibilities in civil society policy and grant and partner management, the Desk where the election observation function sits, leads on election observation policy only by default, as engagement with this aspect of supporting democracy and the rule of law is dispersed throughout the Department. This current arrangement is somewhat disjointed and arguably does not maximise value for the Department. In particular, location in the primarily civil society funding, policy and partner grant management unit of the Division, gives rise to competition for attention with other important and pressurised grant and financial management activity. It seems that the EO Desk has remained in CSDEU mainly due to a perceived lack of a 'perfect alternative' location.

Ireland appears to be the only country whereby the election observation focal point sits in the Development Cooperation Division of its Foreign Ministry. Ireland's engagement in Election Observation is currently treated solely as a development issue within foreign affairs policy, with no linkages, for example, to the domestic election function managed by the Department of Housing, Planning and Local Government. Several options exist for DFA management in tackling these issues as outlined in the recommendations below:

#### **Recommendation A.1:**

Considering the lack of alignment between election observation and the overall remit of CSDEU, it is recommended that the EO Desk be moved from CSDEU to a more suitable alternative. Irrespective of the Desk's location, all subsequent recommendations should be considered and adopted to minimise future errors and improve the functionality of this area of work.

Whilst no ideal location exists within current Departmental structures, options for management consideration include:

- **Existing DFA Divisions:** As it leads on Ireland's membership and role in the EU and OSCE, EU Division should be considered, along with Political Division, as an alternative home for the EO Desk. It is acknowledged that EU Division does not lead

on all regions where election observers are deployed (e.g. Africa, Latin America, Asia), but it is Ireland's membership of the EU and OSCE that serves a key rationale for engaging in election observation. Election observation is also thematically linked to Political Division as Ireland's engagement is largely based on our commitment to the promotion of free and fair elections, human rights, conflict resolution and prevention. It is imperative that any transfer of responsibility within DFA, on the grounds of greater policy alignment, would be supported by the resources, staff and handover required to effectively manage the Desk, and minimise disruption to the new parent Division.

- **New Volunteer Management Unit:** A different option for management is to create a new, separate, unit tasked with management of international deployments and volunteer. Primary responsibility for this unit should be assigned to a parent division for oversight and policy direction.
- **Outsourcing:** Opportunity exists to outsource **both the mustering and day-to-day management of the election observation roster**. However, it should be noted that unlike other peer member states utilising this option, Ireland currently does not have a democratisation agency or electoral commission. Greater research would need to be undertaken to determine if any suitable organisations exist in the Irish context to undertake this function. Particular attention would need to be given to the terms of reference and policy implications of a partnership between an organisation and DFA.
- **Outsourcing the roster mustering process alone** could be done through identification of a suitable agency, who would manage the end-to-end mustering process. Final approval of the proposed individuals would rest with DFA. There is greater scope for the mustering process to be outsourced to standard recruitment companies, since the management of the Desk and missions would still be carried out in-house. The review team understands concerns surrounding the outsourcing of a politically sensitive area. However, this would be mitigated if the contract was confined to the mustering and administrative process, with clear policy oversight and direction from DFA.

**Recommendation A.2:** Irrespective of the location of the EO Desk, greater policy ties should be developed between the regional desks, Political Division, EU Division and the EO Desk. Where necessary and useful, regional desks should engage with the EU and/or OSCE via the focal point(s) to gain greater insight into national contexts and EO mission findings/recommendations. They should also feed into the annual mission planning process outlined in Recommendation 5.

**Recommendation A.3:** If and when the Electoral Commission is established, the EO Desk should engage with the Department of Housing, Planning and Local Government to clarify roles and identify opportunities. Management could utilise this forum to review whether DFA continues to be the suitable Departmental home for Ireland's participation in election observation.

## B. Mustering Management

The review team confirms that the mustering process for the establishment of the 2019 roster was transparent and fair overall. However, the short planning and lead-time for the 2019 roster did not allow for contingency and, along with a lack of clarity around ownership of the mustering process, contributed to the decision to extend the lifetime of the 2013 roster by six months, although there were other factors, including the appeal to the High Court. Desk officers tasked with managing the 2018/19 mustering process had no experience or training in this field. However, their decision to engage an external quality assurance function to verify and advise on the probity of the process should be commended.

Valuable learnings around reasonable accommodation and use of quotas should be noted and addressed in the mustering of all future volunteer rosters to ensure the accessibility and probity of the process, and promote DFA's reputation as an inclusive opportunity provider.

Frustrations amongst roster members regarding the low availability of EOM opportunities are exacerbated by the relatively large size of the roster. At present, no regular and ongoing measures appear to be utilised to remove inactive roster members from the roster (there is a provision that members have to apply for two missions by end 2021 or they will be removed). These issues should be considered in the early planning stage of the next roster mustering process and any changes should be communicated before the opening of applications. Recommendations in relation to these issues are as follows:

**Recommendation B.1:** In order to ensure the roster is in place in a timely manner, **planning for the mustering process should begin 18 months in advance** of the expiry of the current roster in order to provide a contingency period and ensure the appeals process is fully complete before the end of the roster deadline. If DFA intend engaging PAS or another third party, they should engage at least 18 months before the expiry of the current roster to assess the possibility of either of them managing the next roster mustering process. It should be noted, however, that PAS has no obligation to manage volunteering mustering but has stated that a greater lead-time allows potential for their support and involvement. Budget would need to be set aside by DFA in 2022 for this purpose. If the roster mustering process is to be managed in-house, DFA management should ensure suitable training or HR support is provided to desk officers managing this process.

**Recommendation B.2:** A **reasonable accommodation request box** should be included in all future DFA mustering of volunteer rosters



**Recommendation B.3:** If a **5% proportion of nationally elected officials** is to be maintained on future rosters, it and any other such quotas or criteria should be identified and outlined in the information booklet at the outset of the application process.

**Recommendation B.4:** At the next roster mustering planning period, DFA management should consider substantially **decreasing the size of the election observation roster** with a view to ensuring an optimal balance of opportunity for all members, particularly new election observers.

### C. Day-to-Day Management

The desk has benefitted from efficient and dedicated officers both presently and in recent years. These officers have sought out opportunities to improve the roster, but have been limited by intense workloads and transparency requests. The frequent rotation of Ireland's focal point has curtailed development of in-house expertise and long-term relationship building with the EU and OSCE. The focal point role is an important one and should be fully leveraged by Ireland. Whilst it is accepted that some elections cannot be planned for, a lack of annual EOM planning has resulted in intense peak periods for the Desk, whereby several missions have clashed with other Desk deadlines. This issue, along with the processing of transparency requests and the considerable administrative work required for each mission application process has led to capacity issues requiring additional resource support from other areas across DCAD. There is scope to streamline the application process – removing unnecessary stages and placing greater responsibility on the proactivity of the applicant. Whilst roster members are largely satisfied with their interaction with the Desk, it was felt that opportunities exist to formalise and increase face-to-face interaction and improve communication.

EO funding is classified as DAC developmental cooperation expenditure<sup>28</sup>. However, in theory, EOMs can be deployed to all OSCE member states, including non-developing countries. Ireland may therefore not position itself to maximise its international contribution to election observation with implications for opportunities for roster members. The following recommendations should drive efficiencies, ensure compliance and strengthen relations between the EO Desk and its DFA stakeholders, roster members and the EU and OSCE EO departments.

**Recommendation C.1:** Management should review **EO funding arrangements** to address the existing inconsistency between OECD DAC spending classifications and the resulting

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<sup>28</sup> Ireland does not participate in EOMs in non-developing countries for this reason



inability of spending of Vote 27 funds on election observation missions to non-developing countries.

**Recommendation C.2:** The senior **focal point position** on the EO Desk should be assigned to an officer who is not obliged to rotate, with a view to the role being ring-fenced for a period of at least three years. However, the review team also acknowledges that, due to the intense pressure and scrutiny currently surrounding election observation, this would be extremely difficult for one officer to withstand for such a period and could result in burnout. As such, the feasibility of this recommendation should be revisited in one year's time.

**Recommendation C.3:** To promote a better understanding of the challenges facing election observers and to develop relationships with the EODS/ODIHR management team and other focal points, **desk officers should attend one election observation mission per year.**

**Recommendation C.4:** The EO Desk should engage in **forward or annual planning** to determine which elections and the approximate number of EOs that Ireland should deploy per mission each year. The lists of forecasted elections should be circulated in a timely manner to all regional desks and relevant missions. This would prevent a depletion of budget early on in the year and would ensure that Ireland had the financial means to deploy observers to politically important elections throughout the year. This annual planning process should take into account other predictable pressures within CSDEU, to mitigate against over-burdening of the Desk. It is noted by the review team that the EO Desk has already identified some of these areas, with some measures recently undertaken to streamline processes e.g. seeking and obtaining in advance regional desks' observations on scheduled elections throughout the year.

**Recommendation C.5:** With a view to time saving and avoidance of duplication of work, it would be beneficial to **consider changing the Minister of State arrangement** from submission for sign-off on EO mission nominations to submission for informational purposes. Alternatively, the MoS could sign off on the proposed annual schedule of missions Ireland intends to participate in, with the relevant DG signing off on amendments throughout the year.

**Recommendation C.6:** Where feasible, the **mission application process** should be digitised and greater responsibility placed on the roster members – whereby roster members are responsible for ensuring their online profile is up to date. Once roster members express an interest in a specific mission, the EO Desk can review this profile to assess their suitability. This would replace current system of a new application process with a dedicated form for each mission. This profile should be established on a page of the DFA website to ensure safe encryption of data and GDPR compliance.

**Recommendation C.7: Focal point(s) should engage in more face-to-face interaction with roster members** through channels such as an annual seminar and an offered meeting (face to face or virtual) before each roster member's first deployment. The EO Desk should

leverage the offer from the EU and OSCE for training, thus promoting upskilling and networking opportunities for roster members. Any additional offered training would be voluntary and the cost of facilitator would be borne by the EU/OSCE.

In terms of written communications, upon departure/commencement of desk Officers, an informational note should be issued to roster members to inform them of personnel changes and remind them of appropriate channels of communication with the new team members.

**Recommendation C.8:** In order to ensure that the election observation roster continues to be comprised of engaged and active roster members, **a mechanism to remove inactive members should be introduced**, on an annual or six-month basis. Criteria for continued membership could include mandatory application for three missions per year and/or annual completion of EU and OSCE online trainings.

**Recommendation C.9:** The EO Desk should continue and where possible, **increase publication all appropriate, anonymised election observation mission data** on the Irish Aid website, potentially reducing need for members of the public to submit transparency requests.

## D. Transparency Requests and Organisational Impact on DFA

The high volume of transparency requests and appeals has had far-reaching implications for the Desk and DCAD as a whole. A disproportionate amount of desk officer and senior management time has been spent navigating the transparency frameworks and responding to requests, thereby creating opportunity costs and increasing risk. This escalation of extended or repeated cases would be better dealt with horizontally by internal transparency experts, rather than vertically by DCAD senior management. The Department's approach to dealing with these types of transparency and legal cases is not captured in policy or a service level agreement between Business Units and SCC. It is important that the Department takes action to mitigate against these potential reputational risks of delayed grant payments and opportunity costs relating to aspects of CSDEU work that does not always get the necessary attention, resulting from an overburdened Unit. Officers are currently engaging in legal responses beyond what is expected of a standard Executive Officer, Third Secretary or First Secretary. The negative impact on officers' wellbeing arising from intense scrutiny and large workloads is another important consideration for management in terms of duty of care.

**Recommendation D.1:** On the issue of the workload generated by transparency requests, the review team recommends that **DFA draft and implement a transparency request escalation policy**. Mechanisms should be in place for officers to avail of expertise where needed and upon escalation of requests. Additional supports could be availed of from the DFA's Security and Corporate Compliance Unit (SCC), and where necessary, the Central FOI Unit in the Department of Public Expenditure and Reform. It is important to note that,

while particularly exacerbated in the case of election observation-related requests, the ability to respond to and escalate cases of repeated FOI and related requests is an issue for the wider Department, and indeed all government departments, and **should be adequately catered to in policy and procedure.**

**Recommendation D.2:** In escalated and prolonged transparency cases, **DFA's FOI and/or GDPR officers should undertake the role of 'Responding Officer'**, coordinating the suitable response with the Desk's input. This ensures compliance with the relevant legislation and protects desk officers from being overburdened or subject to personalised correspondence. This approach should be particularly considered when an FOI request forms part of a pattern of conduct that is deemed frivolous or vexatious by the desk officer, especially when this judgment has been confirmed on appeal and by the OIC. This issue relates specifically to Section 15.1G of the FOI 2014 Act. These arrangements should form part of a wider escalation policy for transparency requests. DFA should engage with DPER on best practice in responding prolonged or escalated cases, particularly with a view to organising additional training on this subject for Responding Officers. In the case of a change in location of the Desk, all new desk officers and management should be provided with transparency framework training in advance of any move.

## **Appendix 1 – Terms of Reference**

### **A Review of the Management of the Election Observation Roster**

#### **Draft Terms of Reference**

##### **1. Introduction/Background**

International election monitoring missions play an important role in the promotion of democracy and human rights. The Department of Foreign Affairs and Trade (DFAT) maintains and administers a roster of observers for such missions, which are organised in the main by the Organisation for Security and Cooperation in Europe (OSCE) and the European Union (EU). The aim is to ensure that, when requested, Ireland is represented at an appropriate level in international observation missions for elections and constitutional referendums. Within DFAT, the roster is managed by the Civil Society Unit in the Development Cooperation and Africa Division. The roster was originally managed by the former Agency for Personal Service Overseas (APSO). With the abolition of APSO, from 1 January 2004 DFAT took on responsibility for maintaining the APSO activities, including election observation. The roster exists on a non-statutory basis. Its members are volunteers. Expenses only are payable to those volunteers who have been successfully nominated to an observation mission.

On average, the Department deploys, at the request of the EU or the OSCE, observers on some 12-18 election observation missions per year. Observers may act as either Short Term Observers (i.e. for around 10-14 days) or Long Term Observers (up to 60 days in some cases). Observers' work involves overseeing and monitoring the election process to ensure that it is fair and impartial. In the case of long term observers, these can also be involved in establishing and setting up arrangements for the election process.

#### **Current Roster**

A new election observation roster was established in January 2019, on which there are 199 individuals. This new roster replaced the previous election observation roster which was established in May 2013.

#### **Role of an Election Observer**

Irish Election Observers are volunteers who may be nominated to take part in missions primarily organised by the OSCE-ODIHR or the EU. OSCE missions are focused principally on Eastern and Central Europe and the near neighbourhood, while EU missions are mostly in Africa and, from time to time, in Latin America or Asia. DFAT, depending on specific election criteria, nominate a combination of Long-Term Observers (LTO) and Short-Term Observers (STO) to participate on Election Observation Missions (EOMs); usually one LTO

and 4-5 STOs. The OSCE and EU have final decision in the selection from our nominees (usually one of three nominees is selected for an EU mission). The volunteer observers operate under the auspices of the requesting organisation (the OSCE-ODIHR or the EU) when on mission. All observers must comply with the 2019 DFAT Election Observer Code of Conduct, the relevant EU or OSCE Code and the rules and regulations of the sending organisation. On return from an observation mission, observers must complete and submit DFAT's debriefing report to the Election Desk. On occasion, long term observers are invited to debrief the relevant geographic desk.

### *Long Term Observers*

The practical field tasks of an election observation mission can be divided into four distinct phases: the pre-election phase, the Election Day, the immediate post-election phase and the extended post- election phase. LTOs can be deployed for periods of up to 8 weeks to cover all election phases.

The role of LTOs is to acquire first-hand knowledge about the effectiveness and impartiality of the pre-election administration; the implementation of the election law and regulations; the nature of the campaign; and the political environment prior to voting day. LTOs are then responsible for assisting STOs with Election Day observations. They are assigned to a particular area of reporting in teams of two, which are usually balanced regarding experience, gender and language.

### *Short Term Observers*

STOs normally arrive shortly before Election Day and are deployed to provide a broad presence throughout the country on Election Day. STOs mainly cover the Election Day and the immediate post-election phase and can on average be deployed for periods of between 8 to 14 days.

The objective of STOs is to provide a broad presence throughout the country to assess the three stages of the Election phase; the closing days of the campaign, Election Day and the vote count. STOs generally report to the LTO team nominated for their particular area of reporting. As with LTO teams, STOs are assigned to a two-person team.

## 2. Purpose of the Review

The purpose of the review is:

5. To provide an independent assessment of the effectiveness of the processes and controls involved in establishing and maintaining the Election Observation Roster
6. To identify lessons learned from the processes involved which will inform decisions with regard to arrangements for future rosters
7. To assess the suitability of the location of responsibility for management of the election observation roster
8. To provide accountability, including to the Oireachtas Joint Committee of Foreign Affairs and Defence

9. To assess the compliance of observers with requirements set out in the recruitment booklet e.g. DFAT code of conduct
10. To examine whether five years is a suitable roster duration [recommendation A.19 of May-July 2018 PAC report]

### 3. Scope of the Review/Key Questions

The review will examine the current roster (2019-2022) and the previous roster (2013-2018) along with both their application processes from the perspective of:

#### *Policy and Scope:*

1. To what extent is the management of the election observation roster relevant and appropriate in relation to Ireland's Foreign Policy objectives?
2. To what extent is the management of an election observation roster creating value or synergies for business units across DFAT? Is this value proportionate to the resources inputted into the process?

#### *Management and Performance:*

3. To what extent appropriate processes and controls are in place to:
  - a. manage the roster, including the selection process?
  - b. manage the transparency framework and engage with accountability mechanisms?
  - c. ensure all stakeholders (both participants and the EO Desk) are compliant with requirements and service level agreements set out in the recruitment booklet?
4. How does Ireland's budget, approach and location of the election observation roster compare to a sample of our peer OSCE and EU member states?

#### *Organisational Impact:*

5. To what extent does the management of the Roster and corresponding activities impact upon:
  - a. Staff assigned to Desk?
  - b. Wider resources of CSDEU and DFAT?
  - c. Reputation and functionality of CSDEU?

### 4. Methodology

#### *Literature Review:*

The assessment will incorporate a comprehensive review of relevant and available documentation.

### Qualitative Interviews:

The review team will conduct a series of interviews that will include, but are not limited to the below list:

- Current and past election observation roster management team
- Past and present Civil Society Unit members
- Members of Security Compliance and Coordination Unit
- Members of FOI Office in DPER Central Policy Unit
- Members of the Public Appointment Service and the Commission for Public Service Appointments
- Members of Political Division
- Members of EU Division, OSCE Desk
- Members of the JCFATD
- Sample of members of the current Election Observation Rosters
- Election Observation Focal Points from other EU/OSCE mission countries
- Representatives of the EU/OSCE organisations
- Managers of other roster
- Members of Human Resources Unit Director General of DCAD Ruairí De Búrca and former DG Michael Gaffey
- Officers in the OSCE Mission in Vienna
- Sample of Officers from Regional Units
- Members of Franchise Section, Dept. of Housing, Planning and Local Government
- Representatives from Civil society partner organisations
- Representatives from the Office of the Information Commissioner

### Quantitative Analysis:

- Freedom of Information and Parliamentary Questions data
- Correspondence data
- Financial data incl. budgetary allocation to management of Election Observation Roster
- DCAD Resource allocations to Election Observation and relevant work
- Results from new roster demographic and equality surveys

### Compliance and controls testing

- Review compliance with procedures, including submission and review of post mission reports

## 5. Outputs

The expected output of the assignment is a concise final report that sets out findings, conclusions, and issues for the Management Board and DCAD's Senior Management Group's consideration, as appropriate. The report will focus on the core review questions.



### 6. Timeframe

In order to ensure a comprehensive review of all relevant documentation and engagement with all relevant stakeholders, it is predicted that the report will be completed by Mid-November 2019.

### 7. The Evaluation Team

The Evaluation Team will be led by a Senior Evaluation Officer from DFAT's Evaluation and Audit Unit with support from an additional E&A Evaluation Officer. In light of the high-level Oireachtas scrutiny and public interest surrounding this area and in order to enhance the independence of this review, an experienced external Evaluation Consultant will be engaged on a framework drawdown basis.

Evaluation and Audit Unit  
August 2019

## Appendix 2: Election Observation Focal Points Location

### European Union Election Observation Focal Points

Retrieved from EODS website: [https://eeas.europa.eu/topics/election-observation-missions-eueoms/8775/eom-focal-points\\_en](https://eeas.europa.eu/topics/election-observation-missions-eueoms/8775/eom-focal-points_en)

COUNTRY	DESK LOCATION
<b>AUSTRIA</b>	Federal Ministry for European and International Affairs, Department I.7., Human Rights
<b>BELGIUM</b>	PFS Foreign Affairs; S3.1 Conflict Prevention and Peace Building Desk
<b>BULGARIA</b>	Ministry of Foreign Affairs of Bulgaria; Human Resources Directorate
<b>CANADA</b>	Foreign Policy and Diplomacy Service Canadian Mission to the European Union
<b>CROATIA</b>	Division for Human Rights and Regional International Organisations and Initiatives, Ministry of Foreign and European Affairs
<b>CYPRUS</b>	Department of Multilateral Relations and International Organizations (C1), Political Division, Ministry of Foreign Affairs
<b>CZECH REPUBLIC</b>	Ministry of Foreign Affairs, Dep. for Human Rights
<b>DENMARK</b>	Ministry of Foreign Affairs, Stabilisation and Security Policy NIRAS/FSB
<b>ESTONIA</b>	Ministry of Foreign Affairs of Estonia, Personnel Development and International Personnel Policy Division
<b>FINLAND</b>	Ministry for Foreign Affairs of Finland, Unit for Security Policy and Crisis Management, Political Department
<b>FRANCE</b>	Ministère des Affaires Étrangères, Direction des Nations Unies, des Organisations Internationales, des Droits de l'Homme et de la Francophonie, Délégation des Fonctionnaires Internationaux

COUNTRY	DESK LOCATION
	<i>Translation: Ministry of Foreign Affairs – UN Policy, Human Rights, International Organisations and Francophonie Division, International Officers Deployment Desk</i>
<b>GERMANY</b>	Zentrum für Internationale Friedenseinsätze (ZIF) <i>Translation: Centre for International Peace Operations</i>
<b>GREECE</b>	Ministry of Foreign Affairs: A6 Directorate (Northern Africa, Middle East, Iran and Iraq) A8 Directorate (Latin America & the Caribbean) A9 Directorate (Sub-Saharan Africa) A10 Directorate (Asia and Oceania )
<b>HUNGARY</b>	Ministry of Foreign Affairs Trade of Hungary, Department for Security for Policy and Non- Proliferation
<b>IRELAND</b>	Civil Society and Development Education Unit, Development Cooperation and Africa Division, Department of Foreign Affairs and Trade
<b>ITALY</b>	Ministry of Foreign Affairs Directorate General for Political and Security Affairs European Foreign Affairs and Security Division
<b>LATVIA</b>	Ministry of Foreign Affairs Personnel Department
<b>LITHUANIA</b>	Ministry of Foreign Affairs Transatlantic Cooperation and Security Policy Department International Missions and Conflict Prevention Division
<b>LUXEMBOURG</b>	Ministry of Foreign and European Affairs Directorate of Political Affairs
<b>MALTA</b>	Ministry of Foreign Affairs of Malta Directorate Global Issues
<b>NORWAY</b>	NORDEM Norwegian Refugee Council
<b>POLAND</b>	Ministry of Foreign Affairs of Poland Political Director's Office
<b>PORTUGAL</b>	Ministry of Foreign Affairs Directorate-general for External Policy
<b>ROMANIA</b>	Ministry of Foreign Affairs of Romania Directorate for Human Rights, Protection of Minorities and the Council of Europe
<b>SLOVAKIA</b>	Ministry of Foreign Affairs of the Slovak Republic Human Rights and Council of Europe Department
<b>SLOVENIA</b>	Ministry of Foreign Affairs of the Republic of Slovenia

COUNTRY	DESK LOCATION
<b>SPAIN</b>	Ministerio de Asuntos Exteriores y de Cooperación Oficina de Derechos Humanos <i>Translation: Ministry for Foreign Affairs and Cooperation, Office of Human Rights</i>
<b>SWEDEN</b>	Folke Bernadotte Academy
<b>SWITZERLAND</b>	Federal Department of Foreign Affairs (FDFA) Swiss Expert Pool for Civilian Peacebuilding
<b>THE NETHERLANDS</b>	Ministry of Foreign Affairs 3W   WordWide Working Civil Missions and Election Monitoring
<b>UNITED KINGDOM</b>	Foreign and Commonwealth Office ROOM WH1.168, Human Rights Policy Unit

## OSCE Election Observation Focal Points

Retrieved from OSCE website:

<https://www.osce.org/odihr/elections/324406?download=true>

COUNTRY	DESK LOCATION
<b>ALBANIA</b>	Ministry of Foreign Affairs of the Republic of Albania Department of International Organizations
<b>ANDORRA</b>	Delegation of the Principality of Andorra to the OSCE
<b>ARMENIA</b>	Delegation of the Republic of Armenia to the OSCE
<b>AUSTRIA</b>	Ministry for Europe, Integration and Foreign Affairs Permanent Mission of Austria to the OSCE
<b>AZERBAIJAN</b>	Permanent Mission of the Republic of Azerbaijan to the OSCE
<b>BELARUS</b>	Delegation of the Republic of Belarus to the OSCE
<b>BELGIUM</b>	Permanent Mission of Belgium to the OSCE
<b>BOSNIA AND HERZEGOVINA</b>	Permanent Mission of Bosnia and Herzegovina to the OSCE

COUNTRY	DESK LOCATION
<b>BULGARIA</b>	Ministry of Foreign Affairs of Bulgaria Human Rights Directorate  Permanent Mission of the Republic of Bulgaria to the OSCE
<b>CANADA</b>	CANADAEM (International Civilian Response Corps)  Delegation of Canada to the OSCE
<b>CROATIA</b>	Department for Regional International Organizations and Initiatives Ministry of Foreign and European Affairs Permanent Mission of the Republic of Croatia to the OSCE
<b>CYPRUS</b>	Permanent Mission of Cyprus to the OSCE
<b>CZECH REPUBLIC</b>	Ministry of Foreign Affairs Department for Human Rights Delegation of the Czech Republic to the OSCE
<b>DENMARK</b>	Ministry of Foreign Affairs, Stabilisation and Security Policy NIRAS Permanent Delegation of Denmark to the OSCE
<b>ESTONIA</b>	Ministry of Foreign Affairs of Estonia, Personnel Development and International Personnel Policy Division Permanent Mission of the Republic of Estonia to the OSCE
<b>FINLAND</b>	Ministry for Foreign Affairs of Finland, Unit for Security Policy and Crisis Management, Political Department Permanent Mission of the Republic of Estonia to the OSCE
<b>FRANCE</b>	Ministère des Affaires étrangères, Direction des Nations unies, des Organisations internationales, des Droits de l'Homme et de la Francophonie, Délégation des Fonctionnaires Internationaux  <i>Translation: Ministry of Foreign Affairs – UN policy, Human Rights, International Organisations and Francophonie Division, International Officers Deployment Desk</i>  Permanent Representation of France to the OSCE
<b>GEORGIA</b>	Ministry of Foreign Affairs of Georgia Department for International Organisations Permanent Delegation of the Republic of Georgia to the OSCE
<b>GERMANY</b>	Zentrum für Internationale Friedenseinsätze (ZIF), <i>Translation: Centre for International Peace Operations</i>  Permanent Mission of the Federal Republic of Germany to the OSCE

COUNTRY	DESK LOCATION
GREECE	Permanent Mission of Greece to the OSCE
HOLY SEE	Permanent Mission of the Holy See to the OSCE
HUNGARY	Ministry of Foreign Affairs Trade of Hungary, Department of Security and Non- Proliferation OSCE Desk  Permanent Mission of Hungary to the OSCE
ICELAND	Ministry for Foreign Affairs of Iceland Icelandic Crisis Response Unit (ICRU)  Permanent Mission of Iceland to the OSCE
IRELAND	Department of Foreign Affairs and Trade Irish Aid
ITALY	Permanent Mission of Italy to the OSCE
KAZAKHSTAN	Permanent Delegation of the Republic of Kazakhstan to the OSCE
KYRGYZSTAN	Permanent Delegation of the Kyrgyz Republic to the OSCE
LATVIA	Permanent Delegation of the Republic of Latvia to the OSCE
LIECHTENSTEIN	Permanent Delegation of the Principality of Liechtenstein to the OSCE
LITHUANIA	Permanent Mission of the Republic of Lithuania to the OSCE
LUXEMBOURG	Ministère des Affaires Étrangères et Européennes Direction Politique/Direction des Finances et des Ressources Humaines/Secrétariat Général  <i>Translation: Ministry for Foreign and European Affairs Political Division/ Human Resources and Finance Division / General Secretariat</i>  Permanent Delegation of the Grand Duchy of Luxembourg to the OSCE
MALTA	Delegation of Malta to the OSCE
MOLDOVA	Permanent Delegation of the Republic of Moldova to the OSCE
MONACO	Permanent Mission of the Principality of Monaco to the OSCE

COUNTRY	DESK LOCATION
<b>MONGOLIA</b>	Permanent Mission of Mongolia to the OSCE
<b>MONTENEGRO</b>	Ministry of Foreign Affairs of Montenegro Permanent Mission of Montenegro to the OSCE
<b>NETHERLANDS</b>	Permanent Mission of the Netherlands to the OSCE
<b>NORWAY</b>	NORDEM / Expert Deployment / NORCAP, operated by Norwegian Refugee Council Permanent Delegation of Norway to the OSCE
<b>POLAND</b>	Solidarity Fund Permanent Mission of Poland to the OSCE in Vienna
<b>PORTUGAL</b>	Permanent Representative of Poland to the OSCE
<b>ROMANIA</b>	Ministry of Foreign Affairs of Romania Permanent Mission of Romania to the OSCE
<b>RUSSIAN FEDERATION</b>	Permanent Representative of the Russian Federation to the OSCE
<b>SAN MARINO</b>	Delegation of the Republic of San Marino to the OSCE Meetings in Vienna
<b>SERBIA</b>	Permanent Mission of Serbia to the OSCE
<b>SLOVAKIA</b>	Ministry of Foreign and European Affairs of the Slovak Republic OSCE Chairmanship Department  Permanent Mission of the Slovak Republic to the OSCE
<b>SLOVENIA</b>	Ministry of Foreign Affairs of the Republic of Slovenia  Permanent Mission of the Republic of Slovenia to the OSCE
<b>SPAIN</b>	Ministry of Foreign Affairs and International Cooperation Human Rights Office  Permanent Mission of Spain to the OSCE
<b>SWEDEN</b>	Folke Bernadotte Academy  Permanent Delegation of Sweden to the OSCE
<b>SWITZERLAND</b>	Federal Department of Foreign Affairs (FDFA) Swiss Expert Pool for Civilian Peacebuilding  Permanent Mission of Switzerland to the OSCE
<b>TAJIKISTAN</b>	Delegation of the Republic of Tajikistan to the OSCE
<b>THE FORMER YUGOSLAV</b>	Permanent Mission of the former Yugoslav Republic of Macedonia to the OSCE



COUNTRY	DESK LOCATION
REPUBLIC OF MACEDONIA	
TURKEY	Permanent Mission of Turkey to the OSCE
TURKMENISTAN	Delegation of Turkmenistan to the OSCE
UKRAINE	Permanent Mission of Ukraine to the OSCE
UNITED KINGDOM	The British East-West Centre  Westminster Foundation for Democracy  United Kingdom Delegation to the OSCE
UNITED STATES	PAE-REACT  United States Mission to the OSCE
UZBEKISTAN	Permanent Mission of the Republic of Uzbekistan to the OSCE

## Appendix 3: List of Interviewees

As part of this review, the following stakeholders were amongst those interviewed:

### **DFA Staff:**

Desk Officers, EO Desk, CSDEU  
Deputy Director of CSDEU, EO Desk  
Director, CSDEU  
Director General, DCAD  
Former Director General, DCAD  
Former Desk Officers, EO Desk, CSDEU  
Former EO Desk Manager, CSDEU  
FOI Officer, Security, Coordination and Compliance  
Data Protection Officer, Security, Coordination and Compliance  
Deputy Directors, Africa Unit x2  
Deputy Director, European Neighbourhood, EU Division  
Deputy Director, Political Secretariat, Political Division  
Desk Officer, Political Secretariat, Political Division  
Director, Human Rights Unit, Political Division  
Director, Conflict Resolution Unit, Political Division  
Deputy Director, International Security Policy Unit, Political Division  
Deputy Director of Humanitarian Unit, Rapid Response  
Desk Officers, Rapid Response

### **Non-DFA Stakeholders:**

Current Roster Members  
Central FOI Unit, Department of Public Expenditure and Reform  
Public Appointments Service  
Senior Investigator, Office of the Information Commissioner

### **Peer Foreign Ministries and Organisations:**

Election Observation Focal Points, Ministry of Foreign Affairs Republic of Poland/Solidarity Fund Poland  
Election Observation Focal Point, Federal Public Service Foreign Affairs, Belgium  
Head of Election Department, ODHIR, OSCE  
Head of Election Observation, Service for Foreign Policy Instruments, EODS, EU Commission

## Appendix 4: Table of Recommendations

High Priority	
No.	Recommendation
D.1	DFA should <b>draft and implement a transparency request escalation policy</b> outlining mechanisms and expertise that officers can avail of when needed.
Medium Priority	
No.	Recommendation
A.1	Management should consider <b>moving the EO Desk from CSDEU</b> to maximise policy alignment and improve functionality. Options include: moving the desk to EU or Political Division in DFA; establishing a Volunteer Management Unit; Outsourcing the mustering and/or day to day management of the EO roster.
A.2	Irrespective of the Desk's location, <b>greater policy ties</b> should be developed between the relevant regional desks, Political Division, EU Division and the EO Desk.
B.1	Planning for the <b>mustering process should begin 18 months</b> in advance of roster expiry. DFA should engage with PAS at this point to assess the possibility of PAS managing the next mustering process, with budget set aside in 2022 for this purpose.
B.4	DFA management should consider <b>substantially decreasing the election observation roster size</b> at the onset of the next roster mustering period.
C.1	Management should <b>review EO funding categorisation arrangements</b> to address the existing clash between OECD DAC spending classifications and the resulting inability of spending of Vote 27 funds on election observation missions to non-developing countries.
C.2	The <b>focal point position</b> on the EO Desk should be ring-fenced for a tenure of at least 3 years.
C.4	Recently introduced forward or <b>annual planning procedures</b> should be built upon to determine which elections and the approximate number of EOs Ireland should deploy per mission each year. This process should include all relevant regional and thematic Units. (noted that some elections cannot be planned for).
C.6	The <b>mission application process</b> should be digitised where possible and place greater responsibility on the individual – whereby roster members are responsible for ensuring their online profile is up to date.
C.7	EO focal point(s) should engage in <b>more face-to-face interaction</b> and written communication with roster members via an annual EO seminar; the provision of further training using trainers offered by EU and OSCE; an offered meeting before each roster member's first deployment; and update correspondence regarding new and departing desk officers.

<b>D.2</b>	In <b>escalated and prolonged transparency cases</b> , DFA's FOI and/or GDPR officers should undertake the role of 'Responding Officer', coordinating the suitable response with the Desk's input.
<b>Low Priority</b>	
No.	Recommendation
<b>A.3</b>	The EO Desk should <b>engage with the Department of Housing, Planning and Local Government</b> to clarify roles and identify opportunities upon establishment of the Electoral Commission.
<b>B.2</b>	A <b>reasonable accommodation request box</b> should be included in all future DFA volunteering and recruitment application forms with supporting information in the corresponding information booklet.
<b>B.3</b>	If a <b>5% proportion of nationally elected officials</b> is to be maintained on future rosters, it should be identified and outlined in the information booklet at the onset of the application process.
<b>C.3</b>	EO Desk officer(s) should participate in <b>one election observation mission per year</b> to promote a better understanding of the challenges facing election observers and to develop relationships with the EODS/ODIHR management team.
<b>C.5</b>	<b>Minister of State sign off arrangement</b> via eSubmissions should be reviewed. A possible alternative could be for the MoS to sign off on the proposed annual schedule, with DG approving additions or amendments that arise throughout the year.
<b>C.8</b>	<b>Mechanisms to remove inactive roster members</b> should be introduced. Criteria for continued membership could include mandatory application for 3 missions per year and/or annual completion of EU and OSCE online trainings.
<b>C.9</b>	The EO Desk should continue and where possible, increase <b>publication all appropriate election observation mission data</b> on the Irish Aid website.

## Appendix 5: Number of Partners Managed per Unit 2018

Africa Unit			CSDEU		Humanitarian Unit		Policy Unit		Multi-lateral Unit	
Year	Partners	Staff	Partners	Staff	Partners	Staff	Partners	Staff	Partners	Staff
2018	15	15	64	28	33	17	54	20	23	10