

EC-UNDP

ELECTORAL ASSISTANCE GUIDELINES

(April 2016)

Introduction

The European Commission (hereinafter referred to as "the Commission") and the United Nations Development Programme (hereinafter referred to as "UNDP") have established a strong partnership in the domain of electoral assistance over the last twelve years and remain free to implement projects with other partners. In this context, the Commission and UNDP (hereinafter referred to as 'the Sides') have signed a Strategic Partnership Agreement in 2004 covering the sectors of Conflict Prevention, Post Conflict Reconstruction and Good Governance, which covers electoral assistance activities. **On 21 April 2006**, the Commission and UNDP signed the "Operational Guidelines for the Implementation of Electoral Assistance Programmes and Projects" (hereinafter referred to as "The Guidelines"), which have been revised once on 1 July 2008. This is the second revision of these guidelines, which fully replaces the previous version.

The Guidelines aim to clarify implementation aspects and outline practical measures that will facilitate the Commission/UNDP collaboration on electoral assistance so as to further promote its effectiveness and efficiency through clearly defined and timely coordination and information exchange, planning, formulation and implementation of activities. They will also act as a catalyst for aligning the modalities for the participation of other development partners in electoral assistance projects. This document is operational in nature and not legally binding.

The Commission and UNDP have accepted the following:

SECTION 1: Scope and context of joint electoral assistance initiatives

Paragraph 1 General definition and context

1.1 These Guidelines fall within the context and are in full respect of the provisions laid out in the existing Financial and Administrative Framework Agreement (FAFA) between the Commission and the United Nations, and shall not deviate or modify UNDP's obligations under the respective Standard Basic Agreements (SBAAAs) that it signs with Governments and UNDP's regulations, rules, policies and procedures.

1.2 As a component of comprehensive election support, electoral assistance has evolved into a long-term approach – as opposed to only an event-based one – and targets one or more areas within the electoral cycle. Assistance targets the electoral management bodies (EMBs) and other electoral stakeholders with a view to improving the overall election framework in line with international commitments and best practices, and to supporting national entities in delivering upon it. The areas of work include - but are not limited to - building the capacity of electoral administration, support to electoral legal reforms, registration of voters and candidates, training of election officials, training of political parties and civil society actors, voter education, media monitoring, support to polling activities as well as counting and results tabulation, and electoral dispute resolution.

Paragraph 2 General aim of electoral assistance

2.1 The electoral assistance provided by the Commission and UNDP shall be independent and impartial. The overall goals of electoral assistance are to assist recipient countries to hold genuine and periodic elections in accordance with obligations, principles and commitments outlined in universal and regional legal instruments. Electoral assistance should be based upon democracy, the rule of law, non-discrimination, and respect for human rights (including gender issues) and fundamental freedoms.

2.2. Assistance should contribute to building, in the recipient country, sustainable and cost-effective institutional capacity to organize democratic elections which have the full confidence of contesting parties, candidates and the electorate, whilst reducing the potential for election-related violence.

2.3. Electoral assistance must also help foster national and local ownership throughout the electoral cycle, including in the pre- and post-electoral phases. In this view, electoral assistance deployment and scope will be tailored to the national context whilst adhering to the principle of impartiality. The design of the electoral assistance will help ensure that the necessary conditions are met to reach tangible results. The implications of the adoption of new electoral technologies which can create donor dependence and expose the recipient country to unsustainable costs should be a particular concern when designing election assistance programmes.

SECTION 2: Key components of the Commission-UNDP partnership in electoral assistance

Paragraph 3 The Joint Task Force on Electoral Assistance

Paragraph 3.1 General principles

3.1.1 The Sides will collaborate through the Commission-UNDP Joint Task Force on Electoral Assistance (hereinafter referred to as the 'JTF'), which aims at strengthening the joint monitoring and quality support mechanisms to improve the electoral operations where the Commission is providing -- or has formally expressed an interest to provide -- a financial contribution to a UNDP supported project (hereinafter referred to as the 'Project(s)' or "Electoral Assistance Project(s)"). The aim of the Sides' collaboration through the JTF to increase overall efficiency and adherence of the Projects to the Commission/UNDP common strategic approach. When discussing possible cooperation, the JTF will take as a reference point the inputs and recommendations from EU Election Observation Missions (EU EOMs) as well as the programming framework laid out by the EU Country Strategies and Multi Annual Indicative Programmes (MIPs). This includes the Sides' disseminating these documents to relevant internal offices involved in the joint cooperation.

3.1.2 The JTF is made up of the relevant Commission and UNDP staff and advisors dealing with electoral assistance at Headquarters level¹. The JTF weekly coordination meetings will be chaired alternatively by both organizations and decisions will be taken by consensus. Depending on the agenda, the level of participation may vary by mutual agreement. The European External Action Service (EEAS) and the UN Department of Political Affairs' Electoral Assistance Division (EAD) are invited to attend all JTF meetings. Prior to each meeting, an agenda will be agreed upon in writing. Agreed minutes of the JTF will be drafted in a timely manner after each meeting to ensure adequate and well-coordinated follow-up.

3.1.3 Within the remit of the mechanisms for formulating electoral assistance (see § 4.1), the JTF may cooperate in assessing the formulation of a Project which the Commission will contribute to financing through a financing arrangement to be signed between the EU Delegations and UNDP (hereinafter referred to as "the Contract"). The JTF may monitor the implementation of projects in those cases where the Commission and UNDP have expressed their will to work together in a specific country. The JTF will produce and review standardized methodological documents and tools for the use of EU Delegations and UNDP Country Offices to facilitate their cooperation in relation with the Projects. It will make sure that all Projects are comprehensively gender mainstreamed and have specific gender-targeted interventions.

3.1.4 The Sides, through their respective participation in the JTF, will monitor their partnership in supporting Electoral Assistance Projects. Along with on-going monitoring through the review of key documents and project milestones, the Sides through the JTF may conduct annual and end of project surveys for each Project to measure the quality of the partnership, assess the extent to which these guidelines are followed, and identify pertinent issues.

3.1.5 The Sides, in their cooperation through the JTF, may also, when the needs arise, and subject to the availability of funding, decide to jointly develop additional activities such as trainings, publications, information management, etc. Such activities will be managed by the UNDP Brussels office in coordination with the Commission. If there is a need for funding, this will be decided separately on a case by case basis. In this context, the JTF may ensure knowledge dissemination through workshops, trainings and documentation. The lessons learned from Project implementation will be consolidated and documented so that they can effectively feed into the design and implementation of new Electoral Assistance Projects and into joint Commission-UNDP workshops and trainings on electoral assistance.

¹ Commission Directorate responsible for advice on democracy support at EuropeAid; UNDP Brussels Representation Office.

3.1.6 UNDP will manage a website to be produced jointly by the Sides dedicated to the Commission-UNDP partnership on electoral assistance presenting the agreed upon common approaches, the activities carried out, the lessons learned, and the available tools and methodologies. The website will also host all knowledge materials, including publications and eLearning courses developed through the Sides' collaboration.

Paragraph 3.2 Early Warning Mechanism

An early warning mechanism will be maintained to address issues which are detrimental to the relationship between the Commission and UNDP but are not resolved swiftly either at a country level or at the JTF level. Whenever the EU Delegations or UNDP offices are confronted with difficulties on a particular Electoral Assistance Project, they should immediately, via the project Steering Committee if possible, inform the JTF. The Sides will bring the matter to the attention of their respective senior management and/or of the political level within each organization. In addition to being notified, the Sides, at the JTF level can escalate issues.

Paragraph 4 Electoral Assistance Projects

Paragraph 4.1 Formulation of Electoral Assistance Projects

4.1.1 When a specific country requests electoral assistance, the EU will be free to decide whether it will respond or not following its decision-making procedures. UNDP will forward the request to the UN Focal Point for Electoral Assistance, who will decide whether the UN will provide assistance. UNDP will rely on the decision of the focal point. Should the EU and UN both choose to positively react to the request for assistance, the Commission and UNDP may afterwards decide whether to collaborate. Should the Sides decide to collaborate, the Sides will engage both their local and HQ focal points through the JTF, in the formulation of the Project requested by the recipient country. If this is the case, both the Commission and UNDP JTF members will be involved in the project formulation that follow. The competent UNDP country office and EU Delegation will be actively involved in this exercise from the beginning.

4.1.2 For UNDP's part, no decision to formulate an Electoral Assistance Project will be made before a decision by the UN Focal Point on Electoral Assistance, which is based on a UNDP-EAD assessment of the overall environment and conditions to hold democratic elections in the country. This assessment relies on either an in-country Needs Assessment Mission (NAM) or a needs assessment conducted by desk review. All UNDP project formulations are guided by the decisions of the UN focal point for electoral assistance and activities must be within the parameters as decided by the Focal Point.

4.1.3 For the Commission's part, the European External Action Service systematically provides a political assessment on which the broader programming is based as well as ad hoc and timely assessment on the desirability of supporting a given electoral process. The decision to support an election process is made in line with the criteria for election assistance contained in the Commission Communication on EU Election Assistance and Observation (COM (2000) 191) and will take into consideration recommendations of previous EU EOMs in that country. This political assessment will take into account institutional reforms carried out in between elections, which may be the subject to indicators in phased projects (see § 4.3).

Paragraph 4.2 Exchange of information on assessment missions

4.2.1 If the Commission has expressed an interest in financing a specific Electoral Assistance Project, UNDP will inform the Commission of the intention of the UN Dept of Political Affairs' Electoral Assistance Division to deploy a NAM prior to its deployment. The Commission's representative on the JTF will inform the EU Delegation and facilitate meetings during the NAM. The Delegation's Gender Focal Person may be consulted

as well. A NAM may take into consideration the EU Delegation views on the possible programme. The Commission may at this stage inform UNDP of available funds and of EU intentions in that specific country. To the extent possible, UNDP will debrief the Commission and EEAS during the weekly JTF meeting following the decisions of the UN Focal Point for Electoral Assistance.

4.2.2 The EEAS can also deploy assessment missions. Conclusions from these missions may contribute to the possible Project formulation phase. In case the EEAS and UN deploy their assessment missions simultaneously, both missions will remain independent but may meet to exchange their views.

Paragraph 4.3 Results-oriented approach and phased projects

4.3.1 In order to achieve long-term sustainable improvements, Electoral Assistance Projects will be formulated on the basis of expected results and indicators. A set of result indicators, clear criteria and clear assessment mechanisms will be established. All data will where possible be age and sex-disaggregated, and all Projects will include gender-sensitive indicators. In case of phased Projects, they will be one of the bases for deciding to move on to the next phase, suspend or stop the activities. The timing of reporting should be clearly defined in the Contract and strictly respected in order to enable both Sides to take the necessary decisions in a timely manner. Should the Commission decide to interrupt its support to an electoral process, any withdrawal of funds will be conducted according to contractual provisions.

4.3.2 Indicators and criteria will reflect Commission and UNDP approaches vis-à-vis a given election and will be identified at the formulation phase of the Project. They will serve as a basis for the Commission's decision-making to financially support phased Projects. On the Commission side, the EEAS will be fully involved.

4.3.3 Eligibility of Commission funds may be subject to the meeting of specific results indicators and criteria set forth in the Contract, in line with relevant provisions of the Contract's General Conditions. In accordance with the Contract, UNDP will submit a narrative report assessing progress against the results indicators and criteria at the end of each phase, or more frequently if so established in the Contract. The Commission, with the support of the EEAS, may also, at the end of each phase, choose to independently assess the related developments of the political situation to determine the continuance of its support, in line with the applicable contractual provisions.

Paragraph 4.4 Formulation missions

4.4.1 Should the Commission and UNDP decide to collaborate on a specific country, the following typologies of formulation missions may be deployed:

a. Joint EC-UNDP formulation missions

When the circumstances allow, including a request from the UNDP Country Office, official JTF members jointly deploy and formulate a proposed project in a given country. These missions will be labelled "joint EC-UNDP formulation missions". Meetings in the countries visited will always be joint and the final documents will be reviewed and agreed by both organizations before their signature.

b. Coordinated missions with UNDP officials represented on the JTF and officials from the Commission from either the EU Delegation or Commission Headquarters

Commission members of the JTF will be kept informed of the formulation process so as to allow them to contribute from a distance. All documents produced during this type of mission will be reviewed by all members of the JTF upon the return of the mission.

c. Coordinated missions with UNDP members of the JTF and external experts hired by the EC

The Commission may choose to recruit external experts and deploy them in a formulation mission. Once selected, these experts will be briefed and debriefed by EC/UNDP members of the JTF before their departure and after the mission has been finalized. Commission members of the JTF will be kept informed of the formulation process to allow them to contribute from a distance. All documents produced during this type of mission will be reviewed by all members of the JTF upon the return of the mission.

d. UNDP mission

Should a formulation mission be deployed with UNDP staff members only, the Commission members of the JTF will hold a joint 'desk review' of the draft project document before finalization.

Completion, final approval and execution of the Project document is governed by the normal procedures laid out in the UNDP Programme and Operations Policies and Procedures and in accordance with UNDP's regulations and rules and all UNDP Electoral Assistance Projects must be in line with the decisions of the UN focal point for electoral assistance.

4.4.2. Whatever the scenario, after the formulation missions are completed debriefings are to be organized in Brussels within the JTF.

Paragraph 4.5 Project clearance

Both the Commission and UNDP have prescribed internal procedures relating to validation of a project which must be completed before signature of a Contract. In order to ensure a smooth conclusion of the Contract, JTF members shall keep each other informed of the progress in their respective institutions.

Paragraph 5 Implementation of electoral assistance

Paragraph 5.1 Kick-off trainings

5.1.1 Keeping in mind budgetary constraints, all UNDP supported Electoral Assistance Projects receiving Commission funds should receive an in-country kick-off training delivered or coordinated by the Commission's and UNDP's representatives on the JTF and targeting staff from the EU Delegation, the UNDP Country Office, and the PMU of the Project if staff are already in place. At a minimum, EC-UNDP project personnel will be asked to complete eLearning training.

5.1.2 These trainings will include:

- FAFA overview;
- management settings (steering committee, technical committee);
- reporting requirements (narrative, financial);
- visibility;
- delivery aspects (e.g. procurement);
- a specific module on the gender equality approach to electoral assistance to ensure that supporting and advancing gender equality is among the stated objectives from the very beginning of the project;
- UN electoral assistance, the role of FP, needs assessment, FP decisions, UN electoral policy, role of RC, other UN assistance providers, reporting requirements to the UN;
- Electoral assistance within the EU – the role of the EU Delegation, HQ and the JTF, articulation EC/EEAS, EU EOMs;
- Other electoral related aspects.

Paragraph 5.2 Management and oversight of Projects

5.2.1 Both Sides accept that for any future collaboration, specific steering and technical committees will be formed in each country.

5.2.2 EU Delegation staff should technically follow the implementation of projects, with the support of external expertise if needed.

5.2.3 The project steering committees should include the relevant EMBs and donors supporting the respective Project. UNDP will co-chair the Committee with the representative of the EMBs, though in exceptional circumstances UNDP will be the sole chair. The Project Chief Technical Advisor (CTA) will provide the secretariat with the support of internal or externally recruited electoral assistance expertise.

5.2.4 The decisions within the steering committees should preferably be taken by consensus. However, in the absence of a consensus and as a last resort, there will be a weighted vote - linked to contributions made - the result of which must have UNDP's positive vote, in order for UNDP to ensure compliance with UNDP's regulations, rules, policies and procedures and its obligations under the Contract. The Steering Committee, in so far as the Commission contribution is concerned, cannot override the provisions of the Contract. Moreover, decisions by the Steering Committee must be applicable in the context of UNDP regulations, rules, policies and procedures.

5.2.5 Both Sides accept that where appropriate, restricted technical committees chaired by UNDP will be formed. These will include representatives of the major donors (and/or their electoral experts) plus representatives of the EMBs. In particular, the EU Delegation is systematically invited to these committees. These committees will be tasked with preparing the issues to be discussed within the Steering Committee.

5.2.6 UNDP Country Offices will ensure the necessary Project implementation capacity. A Technical Assistance team, scalable as foreseen in the contractual provisions and budget, will be established in a timely manner as stipulated in the project document. The Technical Assistance team will be composed of electoral experts as required, and will be constituted as the day-to-day management component of the Project. When developing their work, the experts will provide support and transfer knowledge and skills in a capacity development perspective in favour of the EMBs and/or other beneficiaries (e.g. civil society organizations dealing with the electoral process, etc.). UNDP Country Office Senior Management will be responsible for setting up and managing the Technical Assistance team.

Paragraph 5.3 Reporting and communication

5.3.1 Project-specific reports will be drafted in line with relevant provisions of the FAFA and as per the specifications laid down in the Contracts.

5.3.2 In addition to the standard reporting requirements laid out in the FAFA, the EU Delegation may choose to agree on specific reporting mechanisms with the UNDP Country Offices during the project formulation phase following recommendations of the JTF, and to include these within the Contract. Additional reporting may include monthly technical progress reports, quarterly substantive reports, and decisions and proceedings of Steering Committee Meetings, in line with JTF-approved template formats.

5.3.3 Aside from the formal reporting schemes, both Sides are committed to communicating effectively and efficiently on the progress made in the implementation as well as on any other matter deemed important to be considered. Both Sides may agree on informal communication channels and procedures (for instance: regular phone/video/Skype calls or progress briefs/1-pagers outlining the main activities carried out and describing any

other elements which are considered important given the context specific to the Action). All reports are to be sent to the EU Delegation, EAD and to the members of the Commission-UNDP JTF as soon as available. The same goes with the minutes of any Steering or Technical Committee Meeting.

Paragraph 5.4 Visibility of Projects

5.4.1 UNDP acknowledges the importance of ensuring the appropriate Commission tenure and visibility during all phases. EU Delegations are encouraged to take a proactive role in promoting Commission-funded activities, including the Projects.

5.4.2 Both Sides accept that specific measures and initiatives should be undertaken to ensure participation and adequate perception of the Commission efforts among all the stakeholders of the electoral process. These should be discussed and agreed upon by the EU Delegation and UNDP Country Office. Once decided, UNDP will strengthen EU visibility and seek to communicate the positive results of the EC-UNDP cooperation, in line with the Joint Visibility Guidelines for Commission-UN Actions in the field. To this extent, expenses for visibility actions are considered eligible project expenses. The UNDP Country Office should submit a specific electoral assistance visibility plan to the EU Delegation for consideration within the first month of project start up.

5.4.3 In line with the visibility provisions of the FAFA, the JTF will issue standardized tools and methods to ensure the greatest possible visibility of Projects. The JTF will be in charge of the development of all websites of electoral assistance projects. These websites will be standardized, labelled in line with the joint visibility guidelines, and will include all public reports produced by the Project. The JTF in Brussels will provide technical support. Content management will be the responsibility of UNDP in-country project staff.

Paragraph 5.5 Selection of Electoral Assistance Experts for the Project Management Unit

5.5.1 Both Sides accept that the selection of electoral assistance experts to work in Projects should be done in collaboration between UNDP Country Offices, the EU Delegations, other donors contributing to the UNDP managed basket fund, and the EMBs, in the following manner: the recruitment process and selections should be carried out and led by the UNDP Country Office following UNDP rules, regulations, policies and procedures. The EU Delegation, other donors and the EMBs can choose to participate as observers. UNDP will ensure that the EU Delegation and the aforementioned parties are kept updated with regards to any selection process for electoral experts and will share information as UNDP rules, regulations, policies and procedures permit.

5.5.2 The UN Single Electoral Roster, managed by UNDP-EAD, will ideally be used as the first port of call in order to identify a pre-selection of experts.

5.5.3 UNDP accepts that the selection of experts should be provided in an expeditious and prioritized manner. The selection of the entire set of experts required may be completed at different stages in order to allow the immediate start-up of the Project.

SECTION 3: Final remarks

6.1 When a decision is made to cooperate on a specific Electoral Assistance Project, there will be the possibility for the Commission and UNDP to introduce targeted clauses within the Contract. These clauses will in any case have to adhere to previous agreements such as the FAFA, the Strategic Partnership Agreement, and with the financial rules in place within each organization.

6.2 The EU Delegations, following the content of the UNDP Project Document, the related project budget, and in line with the programming framework and the Financing Agreement signed between the Commission and the partner country, will produce the first draft of the Contract between the EU Delegation and UNDP. The draft

will be submitted to the UNDP Country Office and will have to be cleared by the UNDP HQ (Brussels and NY as relevant) before signature takes place. In consideration of the particular nature of the electoral assistance activities, it is preferable that the text of the final draft Contract is available by the end of the process by which the project document is formulated.²

6.3 These Guidelines may be updated at any time with the mutual written consent of both Sides.

6.4 Both Sides accept to monitor, assess and take the necessary corrective measures on the implementation of the Guidelines as need arises.

6.5 The Annex of the Guidelines are drafted, reviewed and updated by the JTF.

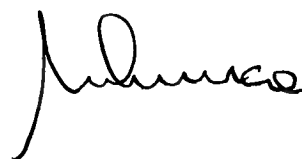
Signed at Washington, on 15 April 2016, in duplicate in the English language.

FOR THE UNITED NATIONS
DEVELOPMENT PROGRAMME



Helen CLARK
The Administrator

FOR THE EUROPEAN COMMISSION



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² The different typographies of formulations are defined within § 4.4.