



OPERATIONAL GUIDELINES

Implementation of Electoral Assistance Programmes and Projects



Whereas it is recognised that the European Commission (hereinafter referred to as 'EC') 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 five years;

Whereas the EC and UNDP 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;

Whereas it is recognized that elections are a fundamental building block in the democratic development of every state, and represent a critical channel to enhance citizens' participation in political life and achieve the interlinked objectives of poverty alleviation and human development, in line with the objectives of the Millennium Development Goals;

Whereas it is acknowledged by both parties that this partnership has proved to be of increasing value to electoral assistance operations to the beneficiary countries due to a history of sector experience, lessons learned and a mutual understanding of each other's approaches and capacities, and that each partner sees the other as a policy partner and provider of content;

Whereas it is recognised that the continuation and intensification of this relationship between the parties can further promote the effectiveness and efficiency of electoral assistance initiatives to beneficiary countries, as increasing experience in this collaboration will lead to better and more timely programming, planning, formulation and implementation, and is in line with the resolutions made in the Paris Declaration on Aid Effectiveness, Ownership, Harmonisation, Alignment, Results and Mutual Accountability;

Whereas it is understood that electoral assistance has to take stock of all the steps of the electoral cycle and that inter-election periods are as crucial as the build up to the elections themselves, thus requiring regular inter-institutional contact and support activities before, during and after election periods, for the sake of lessons learned and inter-institutional memory aiming at improved electoral processes in beneficiary countries;

Building on the mutual analytical and evaluation-based work undertaken in 2005 by both organisations in a review of present and past electoral assistance and on the significant conclusions and observations which have come to light as a result and which will become an integral part of EC Methodological Guide on Electoral Assistance;

Noting that all EC – UNDP contractual agreements are covered by the Financial and Administrative Framework Agreement (FAFA), signed on 29 April 2003 between the United Nations and the European Commission, and that these Operational Guidelines only intend to clarify certain implementation aspects which are of particular relevance to electoral assistance;

Noting that UNDP has been given the mandate under General Assembly Resolution 46/137 of 17 December 1991 to co-ordinate electoral assistance at country level between national and international actors and as regulated by an internal agreement between UNDP and the Electoral Assistance Division of the Department of Political Affairs (EAD/DPA) inside the United Nations Secretariat;

Noting that UNDP's involvement in elections within the United Nations system is governed by the same General Assembly resolution 46/137 and its successor resolutions, as well as regulated by an internal agreement between UNDP and EAD/DPA;

Whereas it is understood that the relevant Government authorities and local Electoral Management Bodies (EMBs) of the partner countries benefiting from the EC – UNDP electoral assistance will allow domestic observation and invite international election observation missions that will carry out their activities according to the “Declaration of Principles for International Observation” as signed in New York at UN HQ on 24 October 2005¹;

Whereas it is understood that the relevant Government's authorities and the local EMBs of the partner countries benefiting from the EC – UNDP electoral assistance will engage in carrying out the elections exercise in line with: its constitutional mandates, the benchmarks for election standards contained in the international treaties ratified by the State in the context of the United Nations² and with non-treaty election standards adopted in the context of the Regional Organizations they belong to;

Noting that the EC minimum criteria for involvement of assistance are set out in the Commission Communication on Election Assistance and Observation³ and include the request of the host country, the consensus of the main political parties and other stakeholders, a previous political monitoring of the country's specific situation, an adequate timeframe for the holding of the process and free movement for the EU assistance providers. A number of additional criteria were added by the 2003 Commission Working Paper on the Implementation of the 2000 Communication⁴. The additional criteria referred to the complementarity of the project within the larger State commitment to the electoral process, a clearer definition of the intended results, that is to say the anticipated usefulness of a project within the democratization and development context and the political advisability of a given project, that is to be weighed against the danger of being associated or perceived as endorsing a flawed or fraudulent process.

Noting that the UN has no precise formula for determining when a pre-election situation precludes United Nations assistance and that therefore the decision to support an electoral process is

1 Declaration of Principles for International Election Observation and Code of Conduct for International Observers. Commemorated October 27, 2005, at the United Nations, New York. Endorsing Organizations as of October 24, 2005: African Union, Asian Network for Free Elections (ANFREL), The Carter Centre, Centre for Electoral Promotion and Assistance (CAPEL), Commonwealth Secretariat, Council of Europe - European Commission for Democracy through Law (Venice Commission), Council of Europe – Parliamentary Assembly, Electoral Institute of Southern Africa (EISA), European Commission, European Network of Election Monitoring Organizations (ENEMO), Electoral Reform International Services (ERIS), IFES, International IDEA, Inter-Parliamentary Union, International Republican Institute (IRI), National Democratic Institute (NDI), Organization of American States (OAS), Organization for Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights (OSCE/ODIHR), Pacific Islands, Australia & New Zealand, Electoral Administrators' Association (PIANZEA), Pacific Island Forum, United Nations.

2 International Covenant on Civil and Political Rights (ICCPR), International Convention of the Elimination of Racial Discrimination (ICERD), Convention on the Elimination of all form of Discrimination against Women (CEDAW), Convention on the Political Rights of Women (CPRW).

3 Communication from the Commission on EU Election Assistance and Observation, COM (2000)191 - 11/04/00

4 Commission Working Paper on the Implementation of the 2000 Communication, SEC (2003) 1472- 19/12/2003

ultimately a political judgment by the Focal Point in consultation with the Secretary-General. At a minimum, however, UNDP must receive an official written request for electoral assistance before it provides any such assistance, and the Department of Political Affairs must be satisfied that the main contesting political parties and representatives of civil society support United Nations involvement.

The EC and UNDP, hereinafter referred to as ‘the parties’, have agreed to the following:

Article 1. Definition of electoral assistance initiatives

Article 1.1. Electoral assistance programmes/projects target one or more areas within the electoral cycle, ranging from legal reform, electoral administration, planning and operations, registration of voters and political parties, training of election officials and education of voters, domestic observation and media monitoring, polling activities, counting and results tabulation, electoral dispute resolution developing into post- and inter-election activities.

Article 1.2. There are different entry and exit points to the cycle depending on the aim of the programmes/projects specified in short, mid and long-term cooperation objectives. All projects should consider a sustainable approach to enhance the domestic capacity to administer electoral processes and consolidate developments in democratization.

Article 1.3. Within the collaboration between the parties, key areas of programmes/projects have included and shall continue to include institution building and capacity development of EMBs, procurement of electoral material, development of civil and voter registers, results tabulation, civic education, voter education, media development and domestic monitoring, with a specific long-term view to generating permanent national capacity.

Article 1.4. Other emerging areas could be considered for collaboration include the support to and strengthening of political parties and the resolution of electoral disputes – both areas in which UNDP’s comparative advantage is its non-partisan approach. The work with political parties can cover initiatives to involve political parties in voter registration and education efforts, to improve party campaign and media strategies, to strengthen party caucuses within legislatures and to make parties accountable for their commitments to address gender imbalances at the leadership level.

Article 1.5 While post-conflict elections are a critical area of collaboration between the parties, the majority of electoral programmes/projects continue to be within the domain of countries organizing their subsequent generations of elections and address issues of the credibility, cost effectiveness and sustainability of elections.

Article 2. Purpose and scope of these Guidelines

Article 2.1. 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 European Community and the United Nations and following the indications of the Communication of the Commission to the Council and to the Parliament over the 2005 UN Summit. They aim to outline practical measures for the strengthening and the facilitation of the already established cooperation between the two parties in the domain of electoral assistance. They will also act as a catalyst for aligning modalities for the participation of the other development partners.

Article 2.2. These Guidelines draw upon the experience gained in the past five years of cooperation and should be used by the EC Delegations and UNDP Country Offices in the definition of contribution agreements and other election-related cooperation projects. This is in the view to further reducing the time needed to formulate and implement any future eventual specific cooperation agreements by anticipating the needs and facilitating the tasks of EC Delegations and UNDP Country Offices.

Article 2.3. These Guidelines indicate a number of key components that are deemed feasible by the two parties as a basis for future agreements to be signed for the implementation of programmes/projects of electoral assistance. Any activity that the parties may decide to undertake in the framework of the partnership in the electoral assistance field, shall be regulated through the standard contribution agreements approved by the authorised officials of both parties, in conformity with their respective applicable regulations, rules and policies.

Article 2.4. The parties agree that in future cooperation agreements in the field of electoral assistance, there shall always be the possibility for them to introduce in the specific agreement targeted clauses on a number of aspects of their cooperation that can best reflect the past experience and the redefinition of their mutual cooperation provided that they adhere to previous agreements such as the FAFA and the Strategic Partnership Agreement.

Article 3. Key components of EC-UNDP partnership in electoral assistance

Article 3.1 - Joint⁵ Formulation Missions

3.1.1. The parties agree that it can be mutually beneficial, where any new action of electoral assistance is to be launched in any partner country, and following a due request of the respective national authorities and the respective internal decisional processes of the parties, to undertake joint project formulation missions.

3.1.2. These missions would support UNDP Country Offices in the production of the Project Document and, where applicable and desirable, in the formulation of a Memorandum of Understanding (MoU) between Development Partners supporting a certain electoral assistance project/programme. They would also support the EC Delegations in the production of the Project Identification Fiche and Financing proposal. The missions will look at the overall results sought from the electoral assistance, the activities to be carried out and the related operations, implementation methodologies and needed technologies for the implementation of the given electoral process. They would also properly assess the capacity of the procurement entities, as well as the timing and costs of various phases in the registration and electoral processes, including all relevant procurement aspects, with the support of existing internal or external specific expertise on the matter. A joint report will be produced reflecting the common position of both organisations. The joint formulation missions will usually last six to seven working days.

3.1.3 For UNDP's part, any project commitments for upcoming electoral assistance projects would need to follow a decision, based on an assessment, by the United Nations Under-Secretary-General for Political Affairs, who is the UN Focal Point on Electoral Assistance, regarding whether the UN will provide support to the election, and incorporate the Focal Point's recommendations into any planned programme.

⁵ 'Joint' in this document refers to EC-UNDP taking a collaborative initiative.

3.1.4. For the EC's part, formulation of projects will take due consideration of the recommendations of EU Election Observation and Assessment Missions previously deployed in the country.

Article 3.2. - UNDP programming and financial arrangements and EC Financing Proposal

3.2.1. The parties agree that the wording and content of their respective official project documents to be signed separately with State authorities, should be harmonised to ensure an efficient follow up within their respective organizational channels and reflect complementary actions. It is understood that the format of the respective documents will remain unaltered.

3.2.2. The parties agree that the projects/programmes will be financed through the existing standard contribution agreement signed between the EC and UNDP. In the case of multi-donor contributions, a basket fund can be established to emphasize the pooling of resources among development partners. Contributions to the basket fund will be based on existing standard UNDP cost-sharing and/or closed trust fund agreements.

3.2.3. Where appropriate and desirable, and in addition to the UNDP Project Document, an MoU can be signed between UNDP, the EC and all Development Partners, contributing to the basket fund, EMBs and other partners at country level to elaborate on the results sought from the electoral assistance and necessary financial and management arrangements. This MoU, the UNDP Project Document and the UNDP-EC contribution Agreement should be aligned. The activities and performance indicators will be set out in the UNDP Project Document following agreement with the electoral management bodies of the given country. They can be elaborated upon in the MoU where appropriate.

3.2.4. It is recommended that projects/programmes within the scope of these Operational Guidelines should preferably be directly executed by UNDP or have UNDP as the implementing partner.⁶ In this context, the EC Delegation might, where appropriate, adopt a modality of centralised management being allowed by the National Authorising Officer to sign on its behalf the contribution Agreement directly with UNDP.

3.2.5. UNDP Country Offices should ensure necessary project/programme implementation capacity. Preferably, a Programme Management Unit (PMU) should be established. The PMU would be responsible to the UNDP Country Office Senior Management and contain specific electoral expertise as needed. The PMU could be constituted as the day-to-day management component of the project and responsible to the Project/Programme Steering Committee on all its operations and activities. UNDP is would be charged with the responsibility of setting up and managing the PMU.

Article 3.3. - UNDP Pre-financing and EC Retroactivity Clause

3.3.1. The parties emphasize that future collaboration follows the existing standard contribution agreement between them. In certain cases the parties agree that it is possible to start up an agreed Project/Programme through the initial pre-financing of activities from the UNDP, on the basis of a duly signed contribution agreement between the EC and UNDP, and in accordance with UNDP's and EC's Financial Regulations and Rules.

3.3.2. The sensitivity of the electoral assistance field - which is often a critical part of the

⁶ Depending on whether it is a non-harmonized or harmonized context.

stabilisation and/or reconstruction of a country – as well as the frequently complex environment in which it takes place, often means receiving a late request from the local authorities for electoral assistance. Therefore, whenever the EC financial contribution can not be mobilised with sufficient anticipation, a retroactivity clause could be included. This would cover all eligible expenses incurred by UNDP from a date to be specified and timely communicated in writing by the EC Delegation to the UNDP Country Office concerned. The date would be generally the beginning of the EC Inter-Service Consultation corresponding to the end of the instruction/appraisal phase of the project/financial proposal in the EC. The use of the retroactive financing for ACP countries must be done in compliance with the annex IV, Article 19, of the EC-ACP Partnership Agreement signed in Cotonou on 23 June 2000. For other theatres of operation the relevant EC financial regulations will apply.

3.3.3. The parties furthermore agree to consider including such a clause in their contribution agreement only when the implementation of the projects might be jeopardized by the late mobilization of the financial disbursements.

Article 3.4. EU Participation in the steering and monitoring of the programme/projects and Visibility issues

3.4.1. UNDP acknowledges the importance of ensuring the appropriate EC tenure and visibility during the implementation phase.

3.4.2. The parties agree that specific measures and initiatives shall be undertaken to ensure participation and adequate perception of the EC efforts among all the stakeholders of the electoral process. These shall be discussed and agreed upon by EC Delegations and UNDP Country Offices. The UNDP will strengthen the important objective for a broader EU visibility conceptualised in the “EC visibility matrix” prepared by the EC services and in the new EU visibility guidelines currently being prepared by the UN family in agreement with the EC services. To this extent, expenses for visibility actions are considered eligible project expenses. This aside, it is recommended that UNDP submits a visibility plan to the local EC Delegation for consideration within the first month of project start up.

3.4.3 In this context, EC Delegations would be allowed to take a more proactive role in promoting EC-funded activities implemented through UNDP, to take on additional responsibilities in steering committees and to follow technically the implementation of the programmes/projects, also with the support of external expertise. On the matter, the Delegations may consider recruiting electoral operations experts that would collaborate with the UNDP team in advising the electoral management bodies.

3.4.4. The parties agree that for any future collaboration specific steering and technical committees shall be formed.

3.4.5. The steering committees shall include the relevant EMBs and development partners supporting the respective project/programme. Where appropriate, the UNDP and the EC can co-chair – with the representative of the local EMBs as relevant – such committees and provide secretariat services with the support of internal or externally recruited electoral assistance expertise.

3.4.6. The decisions within the steering committees shall 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 backing as it is responsible for the management of the project.

3.4.7. The parties agree that restricted technical committees will be formed and can include the respective electoral experts of the major donors plus the representatives of the EMBs. These committees will be tasked with preparing the issues to be discussed within the Steering Committee.

3.4.8. Wherever the EC contribution is over 70%, the parties agree that the UNDP country office and the EC delegation can consider, where relevant, titling such activities as EC-UNDP “Joint Electoral Assistance Projects”, or JEAPs.

Article 3.5. - Selection of Electoral Assistance Experts for the Management Team

3.5.1. The parties agree that the selection of electoral assistance experts to work in Projects/Programmes shall be done in collaboration and in agreement between UNDP Country Offices, the EC Delegations and the local EMBs, with specific support as relevant from UNDP/A/EAD and Europe Aid, which both maintain a roster of international experts.

3.5.2. The selections shall be carried out by the UNDP Country Office within a standard timeframe of maximum 7 days after a suitable candidature has been proposed to UNDP/A/EAD and to the EC services. This implies that if they are contacted for their feedback on a potential candidate, they will provide comments within 7 days.

3.5.3. The UNDP agrees that clearance for the selection of experts shall be provided in an expeditious manner and the selection of the entire set of experts required may be completed at different stages in order to allow the immediate implementation of the project. Recruitment of experts shall be done in accordance with UNDP regulations, rules and procedures.

Article 3.6. - Performance indicators, benchmarks and phased disbursements

3.6.1. UNDP agrees that the disbursement of the EC financial contribution may be subject to the meeting of specific performance indicators, conditionalities and/or benchmarks previously set by the EC in its Country Strategy Papers or National Indicative Programmes. These will be indicated also in the UNDP Project Document, EC Financing Agreement and, where applicable, MoUs, and devised during the formulation stage of the project via a consultation process with the EMBs.

3.6.2. The EC agrees to undertake a periodical review of such benchmarks, in accordance with the related developments of the political situation.

Article 3.7. - Reporting Requirements

3.7.1. The parties agree that, in addition to the standard reporting requirements laid out in the FAFA, specific reporting mechanisms may be agreed upon by the UNDP Country Offices with the EC Delegations during the Project Formulation Phase.

3.7.2. Preferably, the PMU should act as a common information point for all development partners supporting the respective Project/Programme. The PMU can take responsibility for circulating information to the relevant partners as appropriate. The reports should include, but are not limited to the following: Technical progress report (monthly) outlining progress of activities against the outcomes and performance indicators articulated in the UNDP project document; Substantive report (quarterly) reflecting the status of the activities funded within the wider context of electoral preparation and implementation, drawing

attention to any key issues that would impact on elections calendar implementation; Provisional financial information; Decisions and proceedings of Steering Committee Meetings; Project Website (updated according to the needs).

Article 3.8. - Procurement of Specific Election Material

3.8.1. The parties agree that the procurement of sensitive or highly specific or costly election materials should preferably be done in close collaboration and involvement of the UNDP Inter Agency Procurement Services Office (hereinafter referred to as UNDP/IAPSO) and, where applicable or desirable, conducted via UNDP/IAPSO.

3.8.2. Where the services of IAPSO are requested by the UNDP Country Office, UNDP shall ensure that timely and resumed information on the tenders' results and selection process shall be provided to all development partners including the EC Delegations.

3.8.3. In the event of very costly procurement actions for highly technical electoral materials, the parties furthermore agree that particular additional mechanisms such as pilot and validation tests shall be put in place to enhance transparency of the process before the selection of the vendor is completed, in line with UNDP procurement procedures.

3.8.4 Where requested, UNDP/IAPSO can provide to UNDP Country Offices ad-hoc training courses on UNDP rules and regulations related to elections procurement.

3.8.5 Upon request UNDP/IAPSO can also assist UNDP country offices in developing procurement plans to ensure timely and cost-efficient deliveries of electoral equipment.

Article 4. Specific elements for enhanced collaboration on the production of content and participation to specialised networks

Article 4.1. - The parties agree to collaborate on new or existing initiatives and networks for the production of knowledge products and services for the support of electoral processes, such as the knowledge practitioners' networks within the Administration and Cost of Elections (ACE) global initiative. They also agree to undertake, where appropriate, studies of mutual interest, such as those on the synergies between civil and voter registration linked to the increased used of ICTs, on the issues of conflict, security and elections and on the issues of disadvantaged groups and elections

Article 4.2. The parties agree to collaborate towards the development of joint training curricula as appropriate for the respective officers in charge of Electoral Assistance Projects. These curricula shall be particularly focused on programming, identification, formulation, the respective procedures for implementing electoral assistance activities, the procurement of specific electoral material and services, monitoring and evaluation. The parties furthermore agree to organize periodically practice meetings to review their cooperation, share acquired knowledge, best practices and strengthen linkages.

Article 5. - Entry into force and implementation

Article 5.1. These Guidelines enter into force on the date of signature by the duly authorized representatives of the UNDP and of the EC and may be amended at any time with the mutual written consent of the two parties.

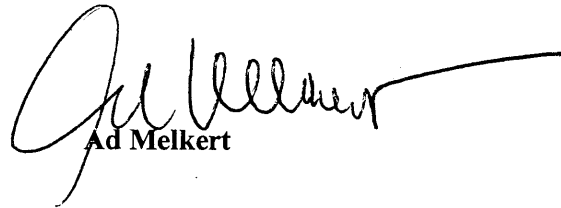
Article 5.2. The parties agree to monitor, assess and take the necessary corrective measures on the implementation of these Operational Guidelines every calendar year. As a partner of both UNDP and the EC in electoral assistance, although not a party to these current Guidelines, UNDP-EAD will be invited to participate in the review of the Guidelines' implementation.

Done in Brussels, on the 21st April 2006.



Koos Richelle

Director General - EuropeAid



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UNDP Associate Administrator

