

UN/UNDP Brussels Office Note on Providing Support to EUEOMs

Practical Guidance to UNDP Country Offices on implementing EU Election Observation Missions (EUEOM)¹

Introduction

The 2001 Note of Guidance signed between UNDP and the UN Department of Political Affairs (DPA) divides the UN labour on electoral assistance between between the two entities by giving UNDP the role of provision and coordination of electoral technical assistance at the country level while giving to the DPA's Electoral Assistance Division (EAD) responsibility for facilitating international observation of elections. This division is meant to ensure that any initiative to support electoral observation is independent of any support provided to the electoral process, systems or institutions. While support to domestic observation is often included in UNDP technical assistance projects, international observation presents unique challenges. For this reason, if UNDP is approached to support international electoral observation, EAD should play a key role in the design, staffing and implementation of such activities, in cooperation with the UNDP Resident Coordinator/Resident Representative.

The Note of Guidance also stipulates that UNDP Resident Coordinators/Resident Representatives must always both act and appear impartial. As such, in supporting an international (or national) mission, the independent observer group may issue a statement on the election but the UN does not itself comment on the process or outcome.

This Practical Guidance note is intended to address one particular kind of electoral observation activity in which UNDP is involved: European Union Electoral Observation Missions (EUEOMs). Additional guidance on electoral observation at large is available in the UNDP Electoral Systems and Processes Practice Note and from the DPA.

Framework for EU electoral observation

EU support for human rights, democracy and the rule of law is established in the Treaty on the European Union (TEU) Article 6 of the treaty clearly states that the principles of liberty, democracy, respect for human rights, and the rule of law are fundamental European values. Human rights field missions and election missions are accepted as part of the mandate of the EU, whose treaty considers the protection and promotion of human rights as well as support for democratization as cornerstones of EU foreign policy and EU development cooperation. Regulations 975/99 and 976/99 of 29 April 1999 provide the legal basis for community activities intended to further and consolidate democracy, the rule of law and respect for human rights.

The EU election observation policy has enjoyed greater consistency and coherence, following the commission's Communication on Election Assistance and Observation of April 2000. Indeed, the European Parliament, the European Council and the EC now share a common approach to election observation and have clarified the role of each institution in this field. Focal contact points have been set up in the European Parliament and in the EC, and observers from all EU Member States have been trained on the common European approach to election observation. This has enabled EUEOMs to develop in recent years into a much more credible, responsible and visible activity. As such, the EC has lately signed the Declaration of Principles for International Election Observation and Code of Conduct for International Observers under the initiative of DPA/EAD²

¹ This is intended to be a non-prescriptive guide to complement the DPA Note on Observation Missions (Annex 1) and the Note of Guidance signed between UNDP and DPA (attached as Annex 1 and Annex 2).

² Endorsing organizations as of 24 October 2005: African Union, Asian Network for Free Elections (ANFREL), The Carter Centre, Centre for Electoral Promotion and Assistance (CAPEL), Commonwealth Secretariat, the Council of Europe's European Commission for Democracy through Law (Venice Commission), the Council of Europe's Parliamentary Assembly, Electoral Institute of Southern Africa (EISA), European Commission, European Network of Election Monitoring Organizations (ENEMO), Electoral Reform International Services (ERIS), IFES, International

Support for election processes is an important component of the EU's external relations policy. This support includes technical assistance to EMBs and to civil society organizations dealing mainly with domestic observation and media monitoring, as well as the deployment of EUEOMs. These are organized by the EC paid for from its budget, and composed of experts and observers from the Member States. The EU has been active in election observation since 1993. In 2000 the EC developed a standard methodology for election observation. This covers all phases of the election cycle: pre-election, election day, and immediate post-election. EUEOMs do not interfere in the organization of the election itself; instead, they collect and analyze factual information concerning the election process, and provide an independent public assessment. Since then, and with a total budget of more than €77 million (US\$106 million), the EU has deployed 47 missions in 35 countries involving the participation of over 4,000 experts and observers.

In the EU's opinion, genuine elections are an essential basis for sustainable development and a functioning democracy. The EU believes that actions supporting the right to participate in genuine elections can make a major contribution to peace, security and conflict prevention. It believes that EUEOMs do not just serve to assess election day but observe the whole process and thus also help assesses the state of democratic development in a given country at a particular point in time. In addition to observing and reporting on the elections, the presence of EU observers can enhance transparency and confidence in the process, serve as a conflict prevention mechanism by deterring violence, and possibly prevent fraud.

The EU lately is also promoting the complementarity between electoral assistance and election observation. Via the establishment of even stronger synergies between the two activities, the EU is seeking to ensure that EUEOMs benefit from the experience gained through electoral assistance projects and that the recommendations of the EUEOMs are taken into account for the next electoral assistance interventions. For the EU, election observation is the political complement to election assistance and defined as: 'the purposeful gathering of information regarding an electoral process, and the making of informed judgments on the conduct of such a process on the basis of the information collected, by persons who are not inherently authorized to intervene in the process.'

In general, EUEOMs are deployed for national elections (parliamentary and presidential), but there EU observation has also occurred during local elections (Cambodia in 2002 and the West Bank and Gaza Strip in 2005) and referendums (Rwanda in 2003 and DRC in 2005). However, the observation of local elections or referenda is an exception, reserved for cases of specific political significance or for use as a tool to support long-term democratization goals.

The EC, on behalf of the EU, currently undertakes about 15 observation missions per year, targeting countries that have been pre-selected on the basis of political priority and specific prerequisites. First and most importantly, an invitation must be issued by the government or the election authorities of the country. In addition, a number of other conditions should be met:

- Franchise is genuinely universal.
- Political parties and individual candidates are able to enjoy their legitimate right to take part in the election.
- There is freedom of expression, including allowing possible criticism of the incumbent government and the right to free movement and assembly.
- All contesting parties and candidates have reasonable access to the media.

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, and United Nations.

Finally, a MoU must be signed between the EC and the main EMB as well as the Foreign Ministry of the host country. This MoU should detail the rights and responsibilities of observers and the host government and what constitutes adequate cooperation between both parties.

The decision on the number of EUEOMs every year depends on the election calendar and on available resources. Approximately 8-10 elections initially were observed each year after 2000, for a financial allocation of approximately €13 million (US\$18 million) per year. In 2005 and 2006, the number has increased to 12-15 EUEOMs, for a total cost of about €30 million. A similar workload is expected to have been reached by the end of 2007. The increase of the funds allocated to EUEOMs underlined the importance of these missions.

Countries where EUEOMs are under consideration are carefully selected on the basis of complementarity with other human rights and democratization activities and the added value that such a mission can bring to the election process. A final decision is only taken after an exploratory mission has visited the country to determine whether an EUEOM would be useful, advisable and feasible. The EU does not observe elections where they can be credibly or systematically observed by other international organizations or local stakeholders. This is the case among Member States of the Organization for Security and Cooperation in Europe (OSCE), in which the OSCE takes the lead. It does so with extensive EU support in the form of observers seconded by EU Member States, delegations of the European Parliament, and additional support from the EC in exceptional cases.

UNDP's experience with EUEOMs

UNDP has undertaken the implementation of nine EUEOMs since 2003: Nigeria (2003), Lebanon (2005), Burundi (2005), Liberia (2005), Yemen (2006), Nicaragua (2006), and Nigeria, Togo and Guatemala (all in 2007). Considering that the EC has implemented some 10 - 15 missions per year, it is clear that UNDP is not the main partner for these operations. Indeed, the EC has tended to favour IOM International Organization for Migration (IOM) as an implementing partner; it has worked with it in 90 percent of its operations, with the rest being divided up between among UNDP, the German Agency for Technical Cooperation (GTZ), and AGMIN, a private company . Recently, the latter two organizations have diminished their involvement in providing this kind of support to EUEOMs, thus leaving the EC with two potential implementing partners: IOM and UNDP.

IOM has turned such operations into part of its mainstay business with the EC. It has built up its Brussels office accordingly, establishing a large staff pool and significant logistical capabilities. IOM Brussels is therefore well-equipped to deal with the logistical challenges of the EUEOMs. It is important to highlight that the EC does not look for a 'partner' per se on these operations; organizations with which it works are more properly termed 'service provider' because the operations are independent EU missions in which all the political reporting and visibility vest in the EU. The service provider is merely requested to provide the significant logistical and security 'nuts and bolts' support to these operations.

At one point UNDP had a patchy reputation with the EC on EUEOMs because UNDP was not being perceived to be the most efficient or flexible partner. Its reputation has improved since 2005, however, due to largely successful missions in three countries that year and highly successful missions in Nicaragua (apparently one of the smoothest in EUEOM history) and Yemen in 2006. As a result, UNDP's credibility as an EUEOM partner is now on the same level as IOM, and the UN agency can now expect to be solicited at least three times per year to implement these operations. Moreover, the EC cannot be seen to have a monopoly situation with IOM; UNDP provides a worthy alternative.

There are however several reasons why UNDP should only offer its services on a last-resort basis, a message that has been widely conveyed by UNDP Brussels and supported by UNDP HQ. Among those reasons are the following:

- As least UN Agency, UNDP should avoid playing the role of a service provider. That role does little to promote UNDP's credibility when it is working so hard to establish itself as a key policy and programmatic partner to this key donor (the EU);

- Because UNDP Resident Representative is often the UN Resident Coordinator, he or she continues to play a key political role in the country around the election period. EUEOM has sometimes considered such a role as inappropriate for its mission
- Because UNDP is often a key actor in a country on governance in general and particularly on electoral assistance – and given the UNDP/DPA Note of Guidance and the special operational guidelines on electoral assistance signed with the EC – involvement in an observation mission could be perceived as a conflict of interest
- Much of the content of the contribution agreement underpinning EUEOMs severely stretch some of UNDP's rules and regulations. This situation makes it difficult to defend UNDP's involvement in these operations without alternate agreements and procedures to address such issues
- EUEOM operations place significant pressure and stress on the Country Office
- Although such operations consist of low key, logistical support on the part of UNDP, the political importance of these missions to the EU institutions is such that should something go wrong to compromise observation deployment in a timely manner, the reputational risks for UNDP are high. Therefore there is a high risk associated with these missions should failings occur, but limited reward upon success.

In the light of the above, why should UNDP undertake these EUEOMs? These are some considerations that should be taken into account:

- Because EU institutions attach so much importance to this activity, turning down the EC if it approaches UNDP on a last resort basis could have negative effects on the overall relationship;
- Because electoral observations are an essential part of supporting democratic processes, UNDP should facilitate what it can where absolutely possible;
- Often, national EMBs and other political stakeholders strongly support international electoral observation missions as a means to enhance the credibility and public perception of the process. If UNDP is the only option to support the EU mission, it may be politically difficult or impossible to turn down
- Should a UNDP Country Office not have particularly strong relations with the EC in country, this could be one way of demonstrating UNDP's capabilities, assuming the operation goes well
- UNDP is allowed to charge a standard 7 percent on GMS which, while not insignificant, should not be a main consideration.

How the process works (from the EU standpoint)

These are the steps taken by the EC when putting an EUEOM together:

- ❖ An initial list of countries is drawn up by the EC at the beginning of the year after an inter-EU institutional consultation that involves the European Council Working group and the European Parliament
- ❖ Based on the electoral calendar of the selected countries, the EC will undertake an Exploratory mission to the country or countries which are expecting the earliest elections. The exploratory mission consists of:
 - one representative from the of Directorate General for External Relations (DG RELEX), which is responsible for the programming exercise of the EUEOM and for the political consistency of the EUEOM reporting);
 - one representative of the EuropeAid Cooperation office, which is responsible for all the implementation issues;

- the desk officer of the country concerned at Directorate General for Development (DG DEV) for the African, Caribbean and Pacific (ACP) countries or External Relations (DG RELEX) for non-ACP countries);
- one externally recruited electoral expert; and
- one externally recruited operations expert, as well as, eventually one security expert
- ❖ The purpose of this exploratory mission is to verify the political feasibility and advisability of undertaking an EUEOM, assess which implementation partner would be the most suitable based on willingness and capabilities, and draft the ToRs and budget of the eventual mission
- ❖ The exploratory mission report is circulated to the European Council working group, the European Parliament and the Commissioner for External Relations in order to obtain a green light on moving forward, if indeed that is what the report recommends
- ❖ Once DG RELEX confirms to EuropeAid that the EUEOM implementation has been approved, EuropeAid contacts the identified service provider and work immediately begins on fine tuning the ToRs of the mission as well as the budget;
- ❖ Prior to EUEOM deployment, a formal invitation must be provided by the government to the EC and an MoU between the two must be approved. The late signing of these documents is often the reason for mission deployment;

An EUEOM includes four types of mission members:

- A chief observer. He/she is always a European parliamentarian who comes in and out of the beneficiary country at key moments but does not remain in country. After deciding to deploy a mission, the EC Commissioner for External Relations appoints the chief observer in consultation with the European Parliament. The Parliament also may decide to send a delegation to observe the elections too; if so, that delegation works closely with the chief observer and does not issue a separate statement.
- A core team of experts, including a deputy chief observer. Members of this team, support the chief observer, set the analytical framework for the mission, carry out specific tasks such as media monitoring, and manage the work of the observers. The core team comprises some 8-10 election observation experts, including a legal expert, election expert, country expert, media expert, press officer, operations expert, observers' coordinator and security expert. The experts of the observation team are chosen on the basis of their experience from a pool of experts compiled by the EC after a call for interest on its Web site at http://ec.europa.eu/europeaid/observer/index_en.htm
- Long-term observers. These individuals are deployed ideally two months before election day and remain after the election results are official to observe the resolution of electoral disputes. They observe the unfolding of the electoral campaign, including particular questions such as the use of public resources by all candidates.
- Short-term observers (STOs) are deployed to observe polling day and the early counting of ballots. Both long- and short-term observers are selected by the EC on the basis of the applications proposed by Member States of observers included in the above mentioned EC dedicated online roster at: http://ec.europa.eu/europeaid/observer/index_en.htm
- ❖ Upon deployment of the core team, who are always the first members to travel out, there is a one-day briefing with the EC in Brussels that mostly deals with the political aspects of mission. However, the service provider is invited for part of the session to brief the team on what progress has been made on the logistics of the mission and to field any questions from members of the core team;
- ❖ After the deployment, the EUEOM's members (with the support of the service provider) begin gathering the qualitative and quantitative data for the final drafting of the preliminary statement. This is arguably the most important document produced by each EUEOM and maximum media

coverage should be assured by the chief observer and core team. An EUEOM normally delivers a post-election statement within 24–48 hours after the close of the polling stations. The delivery of the statement is always a time-sensitive issue; it is important for the mission to issue a statement while the media are still interested (usually the day after the election or at most two days after). The statement is presented by the chief observer in a press conference.

- ❖ At the end of the mission, the EUEOM puts together its consolidated final report. This contains the mission's final conclusions and recommendations regarding the entire electoral process. It is delivered within a month after the EUEOM has closed its activities on the ground. This report, which gives guidance for electoral reform and possible future assistance, is distributed to the Council Working Group, the European Parliament and senior EC external relations officials. Comments are integrated into the report and then a special 'report handover' ceremony takes place in country from the chief observer to the government, which is the final task of the service provider from a logistical support standpoint
- ❖ The end of the mission is accompanied by a debriefing from the core team to the EC in Brussels on the political and logistical aspects of the mission and all that cannot be put in writing. UNDP is invited to the logistical part of the debriefing and receives feedback from the core team regarding UNDP service provision performance
- ❖ The EU institutions may or may not take diplomatic or programmatic steps in view of the report's findings on the conduct of the election period.

EC Expectations and specific tasks of UNDP Country Offices as service providers

The service provider is contracted by the EC to implement a range of logistical tasks, including: providing and managing office space, communication equipment and transportation; organizing travel for all observers; and contracting long- and short-term observers who have been selected by the EU. The service provider places a dispatcher in the EUEOM throughout its deployment. The EC expects the following:

- Before leaving their home countries, all members of the core team and long- and short-term observers must have signed written agreements to take part in the election observation mission. International flights need to be arranged for all relevant personnel, who will also be provided with the necessary documentation such as air tickets and information about procedures for obtaining a visa. Once their participation has been confirmed, the personnel to be deployed must be given as much advance notice as possible about the deployment plan. They are also provided beforehand with practical information concerning the mission (such as in-country accommodation, climate conditions, currency in use, exchange rate, electrical outlets in use, and medical advice including vaccinations required), often via a dedicated Web page. Each member of the mission must be covered by an adapted insurance scheme including all medical and hospitalisation fees for illness, accidents related to election observation activities and evacuation and repatriation fees.
- Suitable accommodation and office space must be ready for the mission core team upon their arrival in the country. Core team members are based in the capital. Premises for office and accommodation should be within mobile phone coverage and preferably centrally located in areas known to be generally secure. Care must be taken to ensure that the landlords or owners of the rented accommodation or office properties are neither involved in the election process nor engaged in politics.
- Long-term observers are accommodated centrally for a few days in the capital upon arrival (briefing). They are then provided with reasonable accommodation facilities while deployed in the country, making the best use of facilities available in the deployment areas.
- Support staff should be recruited to assist core team members during the mission. When possible, support staff for the EUEOM should be recruited prior to the arrival of the mission to allow for an immediate commencement of the mission. All staff employed by the mission must be interviewed carefully and their respective skill sets confirmed. CVs must be checked thoroughly for authenticity of information.

- Mission employees must not be active members of a political party, must conduct themselves in a politically neutral manner at all times, and must sign a statement of confidentiality. They must not have any conflict of interest that may affect their EUEOM duties. All support staff must have a contract respecting international labour law standards.
- Core team members must be provided with appropriate office equipment, including desktop computers, laptops, laser printers, a shredder and a photocopier of adequate size. Some media monitoring equipment should be provided as required by the mission media expert, in line with budget allocation. Long-term observers must be supplied with laptop computers and portable printers. Equipment for mission members must be accompanied by an adequate supply of consumables (ink cartridge, toner etc.).
- The EU visibility guidelines must be respected. Mission members must be provided with material kits containing large-size EU stickers, t-shirts, 'reporter' vests and caps. All t-shirts, uniforms and stickers must bear the EU logo and the following words, possibly in several languages: 'European Union Election Observation Mission' and indicating the country and year.
- The core team and teams of long- and short-term observers must be provided with an adequate number of vehicles and drivers. All vehicles should be rented from car rental companies or, if those are not available, from private owners. Because vehicles are used throughout the country, it is suggested that cars be rented from the provincial capital in which they are to be deployed. All vehicles provided must be mechanically sound, with adequate legal documentation and third party and passenger insurance. Depending on the requirements of the core team, observers may be transported to the various places of deployment by air, as appropriate.
- Telephone lines must be installed in the mission office. An appropriate number of fax machines should be provided and each core team member should receive a mobile/satellite phone, as appropriate. Core team members' laptops should be capable of being used as fax machines, if necessary. The mission should have access to the Internet, and be provided with e-mail facilities. Long-term observers deployed in-country should be equipped with radio or satellite phone devices and a computer connection that allows them to report to the mission by e-mail and/or fax on a regular basis. Where possible, teams of long- and short-term observers deployed in urban areas should be provided with mobile phones. Short-term observer teams deployed in the country, especially in rural areas, must be provided with radio or satellite phone devices guaranteeing communication between the mission and the teams at all times. Mobile phones, faxes and satellite phones can either be rented or purchased. Ownership of any equipment purchased in this way rests with the EC for potential use in future EUEOMs.
- The security of mission members is paramount, and an ongoing assessment of any security threats posed to any members of an EUEOM must be made. This requires ongoing liaison with national and/or international police/military officials to determine the level of any potential threat to an EUEOM. It also requires the development of an emergency and evacuation plan, in the event that conditions in a country deteriorate to a level that necessitates emergency measures and/or evacuation of observers. Steps must be taken to ensure that mission members benefit from the security net implemented by UN agencies, NGOs and other humanitarian and development partners. The logistics/security advisor should liaise with EU Member States' representatives in the respective country on security matters. A thorough security briefing should be provided to all observers, and logistical arrangements for their deployment (e.g., accommodation and communications) must take into account stringent security measures.
- All members of the mission must be provided with information about medical precautions needed in the country. In addition, the teams should be provided with complete medical and first aid kits. Where possible, arrangements must be made with existing medical emergency networks so that a medical evacuation can be organized without delay, if required. All observers are provided with a comprehensive international medical/evacuation insurance while in the country.
- Where possible, assistance should be provided to expedite the issuance of visas and accreditation for the election observers.
- The chief observer must be provided with periodic financial statements of funds committed and disbursed, so as to ensure proper financial control of the operation. A final financial statement must be produced within two months after completion of operations on the ground.

How the process works (from UNDP's standpoint)

- ❖ The first contact with the EUEOM process is during the exploratory phase. EuropeAid sends a message to UNDP Brussels with this standard text:

'We have been asked to conduct an ExM to *****. Therefore, this is to inform you that the ExM will take place from??/?? - ??/?. If your organization would be interested to be our Implementing Partner for this upcoming EU EOM, I would be interested to have a meeting with one of your representatives in-country to discuss the possibility of organizing this EU EOM and to assess the feasibility of such a mission. Could you please provide a contact person from your organization to contact me prior to the mission in order to arrange a meeting? For your information, our contact person at the EC delegation in ***** will be *****', who is coordinating our programme in *****'.

- ❖ Upon receipt of this message, UNDP Brussels contacts the Country Office in question and briefs the Resident Representative/Country Director on the implications of such a mission. At the very least, the UNDP CO should agree to meet the mission and provide any useful information, from the political to the practical and the budgetary. The CO should also give a clear, early indication of whether it is interested in undertaking the assignment because that will be included in the mission report.
- ❖ If the CO agrees to undertake the mission, is recommended in the mission report and is approved by the EC, the Country Office and UNDP Brussels work quickly together to establish the next steps. It should be kept in mind that these missions are always undertaken under fairly extreme time constraints. This means that UNDP is always required to pre-finance the operation, start undertaking preparatory measures without a contract, and derogate from normal recruitment and procurement procedures.
- ❖ In light of these demands and derogation requirements, it is important for the CO to give an early 'heads up' to the EXO/OSG, Office of Legal and Procurement Support (OLPS), its Regional Bureau, BDP (as the institutional interface with DPA/EAD at Headquarters level), DPA/EAD and DSS. Clearly DPA/EAD approval is required prior to CO participation in such a mission, and DSS needs to be kept closely in the loop if this is a security issue country. OSG and OLPS need the warning so that they are prepared to provide a green light to the eventual EC contract clearance process and to UNDP procedural derogation. Meanwhile, the Regional Bureau should help the CO with the pre-financing aspects of the operation. BDP can help troubleshoot — on behalf of any of the actors — issues that may arise with respect to electoral technical assistance versus observation policy.
- ❖ Next, the priority is for the CO, UNDP Brussels and EuropeAid to finalize the EC contribution agreement as quickly as possible. In parallel, EuropeAid should be preparing the financing decision for Member States' approval. Both documents are usually ready at the same time for signature.
- ❖ The UNDP CO's first essential recruitment responsibility is to hire two project managers (also known as dispatchers). One of them is based in-country for the operation while the other remains in Brussels. The country-based dispatcher supports the CO in the planning and physical organization of the mission in close cooperation with the CO's operations unit and/or service centre where appropriate. The Brussels-based dispatcher helps UNDP Brussels arrange the SSA contracts for all mission members, sort out insurance, visas and plane tickets, and assist with any EU-based procurement and shipping that needs to be done. UNDP Brussels has a small pool of such dispatchers with tried and tested experience. These dispatchers should be recruited before the signing of the EC contribution agreement because they constitute a small investment risk that goes a long way in preparing the ground for the mission arrivals.
- ❖ The EC contribution agreement should always go through a closed trust fund modality, which means the contract needs to be underpinned by a project document. Preparation of the project document should be undertaken simultaneously with preparation of the contribution agreement.

When the Country Office sends the contract to UNDP Brussels for clearance (as is the case for all EC-related closed trust funds), there should be confirmation that such a project document exists. Thereafter, UNDP Brussels will ensure FAFA³ compliance and once more explain the particularities of the mission to those who must sign off the clearance form.

- ❖ The main responsibilities of UNDP during the time of the mission include the following, as set out in the ToR and budget of the mission:
 - Ensuring the timely deployment of all mission members in line with the EC calendar. This is done in three waves, separately for members of the core team and long- and short-term observers.
 - All mission members must leave with an SSA, insurance, plane ticket, appropriate vaccinations and guaranteed accommodations.
 - The core team must have a decent Minimum Operating Security Standards (MOSS)-compliant and IT operational office upon arrival.
 - All members must receive their SSA-defined cash payments upon arrival. For the mission to go smoothly people must be paid when the SSA says they will be paid. The CO must be ready to undertake significant cash management for this and other items.
 - MOSS-compliant vehicles, radios, satellite phones, mobile phone, laptops, EU visibility clothing and office equipment, etc, must be made available upon each wave of entries. The dispatchers should help the CO define what ought to be procured locally and what should be procured in the EU.
 - Treatment of the chief observer, in terms of protocol and various special requirements, is particularly important. It needs to be coordinated with the local EC delegation.
 - Care must be made to handle, in a timely manner, any other logistical tasks set out in the ToR and for which a budget is foreseen.

Administrative issues

Listed below are some of the particularities of UNDP's administrative responsibilities under such EC contribution agreements:

- The EC contribution agreements for EUEOM are run centrally and are therefore signed in Brussels. This means that UNDP Brussels usually signs on behalf of the CO once UNDP HQ has given its clearance.
- Because the operations are short in duration (no more than about four months), the payments are done in two parts: a large advance (up to 90 percent) with the 10 percent remaining paid upon acceptance of the final report. The final payment may not be required if the advance was sufficient to cover the operation, and sometimes UNDP must reimburse/refund the EC from the advance at the end of the operation if unexpected savings were made on certain budget headings.
- Closing these contracts has often proved to be problematic. Final payments to suppliers and other sub-contractors often drag on many months after the delivery of the EUEOM report in country. This aside, the CO often has difficulty seeing clearly into all the expenditures made and thus in making a clear and consolidated final financial report. UNDP Brussels of course must ensure that all its expenditures are transmitted to the CO accompanied by copies of all the invoices.

³ See http://resourcemobilization.brsp.undp.org/files/EC/EC_FAFA_2003.pdf

- The handing over of equipment bought under the project has also proved to be a difficult issue. UNDP is meant to provide a complete inventory of all items procured under the EC budget, from vehicles (if purchased and not rented) to laptops and phones. This inventory has usually taken COs an undue amount of time to put together, which it should not. Once the inventory is compiled, it should be transmitted to the EC with a formal suggestion on where the equipment should go (i.e., to local NGOs, another EC funded project, local authorities, etc). The recommendations need to be approved.
- The full list of documentation required to close a contract and clear the final payments is as follows:
 - Final narrative and financial report (in euros, as always). Please note that the narrative report should only relate to the logistical aspect of the operation, not the political side, which does not concern UNDP.
 - A request for remaining funds (where applicable) or confirmation that UNDP spent less than expected and needs to reimburse the EC. If the latter, a request should also be submitted to the EC for it to launch a recovery order.
 - Information on accrued interest on the advance payment needs to be provided where applicable.
 - An inventory of equipment bought and suggested handover solution provided.
 - A copy of receipt of goods handed over by the beneficiary organization(s).

Key aspects of EUEOMs

- UNDP has no political role in the EUEOMs and is not privy to the political reporting of the mission members, despite the fact that they are all on UNDP SSAs. Moreover, this lack of political involvement and zero visibility is a requirement under the Note of Guidance for UNDP to undertake the assignment. These are EU independent missions. Therefore, it is justified that UNDP is not involved in this aspect of the mission. However, the programme managers are expected to help UNDP put together a mission report on the logistical aspects of the intervention. The members of the observation team channel their 'logistical reports' through the core team and the programme managers, so that a consolidated document is produced. This is how all these staff members with UNDP SSAs report back to UNDP.
- The EC has traditionally not accepted the role of the designated official in these observation missions, and this has led to heated arguments on several missions in the past. DG RELEX in particular has not accepted that a mere 'service provider' can stop an independent EUEOM from deploying in certain areas or intervene in other ways if required by the security context. This attitude largely stems from the EC's lack of information about the existence and operationality of the UN security system and the role of the designated official. In any case, the contribution agreements now contain clear clauses in Annex I relating to the final authority of the designated official in security matters. This change was fully backed by EuropeAid, although DG RELEX opposed it and reportedly remains somewhat dissatisfied. Where UNDP has opened matters up slightly is in the consultative process, whereby designated official explains to DG RELEX by phone and/or email why a certain decision has had to be taken or forewarning that a certain decision will need to be taken. Discussions can take place with the core team security adviser and the EC (if time allows), but the final decision rests with the designated official.

What was also misunderstood by the EC until very recently is that IOM, being part of the UN security system, also must comply with the DSS system and the final authority of the designated official. Clarifications from UNDP Brussels have slowly filtered through the EC system (mainly RELEX) and a clear message has been transmitted that this is one issue upon which there is a clear 'bottom line': i.e., without the EC acceptance of the security arrangements, missions cannot be accepted. Other aspects of these missions stretch UNDP rules and regulations but may be

accepted — as long as agreements are in place to protect accountabilities. But security is non-negotiable. All EUEOM members have UNDP SSAs, which means that UNDP is responsible for their well-being and therefore cannot be overruled.

- The recruitment of EUEOM mission members is also particular. The EC reserves the right to select all core team members and all the observers. Candidates are submitted by the EU Member States and the EC makes a selection based on the candidates submitted through a special selection committee. This is part and parcel of the fact that EUEOMs are independent EU operations.
- The behaviour of certain mission members, especially in the core team (chief observer and deputy chief observer particularly) has not been appropriate in some past missions. The notion that this is an independent EU mission has sometimes given the EUEOM members the impression that 'independent' means 'superior to', and certain Resident Representatives and other UN staff have not been treated in the proper manner. Such cases have been brought to the attention of the EC, which is as adamant as UNDP that behaviour of that sort will no longer be accepted. If such disrespectful behaviour surfaces in future EUEOMs, the matter should be immediately brought to the attention of UNDP Brussels, which, in turn, will place the matter before RELEX and EuropeAid Co-Operation Office (AIDCO) for rapid treatment. UNDP Brussels and the EC will continue to mutually monitor the behaviour of individuals for the well-being of future missions.
- Despite some of the shortcomings and difficulties of EUEOMs, as described previously, it should be pointed out that a very close relationship has been established between RELEX, AIDCO and UNDP Brussels, and that a real team spirit exists. This has done much to ensure that these missions take place as smoothly as possible and that matters are quickly brought under control whenever a crisis seems to loom. Of the last seven missions, only two proved to be problematic; even then, however, solutions were found and the overall EC–UNDP relationship safeguarded.

Conclusion

As has been made clear in this Annex, EUEOM assignments do not sit comfortably on UNDP's shoulders for numerous reasons: (i) because of their very nature, (ii) because of UNDP's political role in the country and deep involvement in electoral assistance, (iii) because of the stress and risks involved, and (iv) because UNDP, as a lead governmental agency, does not fit easily into the role of a simple EC service provider. As such, it should be obvious that UNDP Country Offices should not actively seek involvement or encourage the EC to choose them as implementation partners for such exercises. However, it is also clear that in the name of promoting democratic governance and in the name of good partnership with the EC, UNDP should remain open to working with the EC on these assignments as a last resort, if no other implementing mechanism is available to it.

This Annex concludes (below) with two schemes illustrating the environments and the implementation arrangements within which EUEOMs work. EUEOMs have their own Web sites containing all the mission information: mission statement, team composition, contact details, etc. The EUEOM methodology and the links to the specific EUEOMs Web sites can be found at:

http://europa.eu.int/comm/external_relations/human_rights/eu_election_ass_observ/index.htm