



Policy Directive

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Principles and Types of UN Electoral Assistance

Approved by: *B. Lynn Pascoe, UN Focal Point for electoral Affairs*

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Contact: *Policy and Institutional Memory Team*

Electoral Assistance Division

Department of Political Affairs

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POLICY DIRECTIVE ON Principles and Types of UN Electoral Assistance

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ANNEXES

Annex A – International Normative Framework: Rights and Principles Related to Electoral Processes

A. PURPOSE

This policy directive outlines the various types of UN electoral assistance that are typically provided and the principles governing UN electoral assistance. The purpose of the directive is to ensure consistency and coherence across the UN system.

B. SCOPE

This policy directive applies to all entities of the United Nations system that provide UN electoral assistance. For the purpose of this directive, United Nations and UN are understood to refer to the entire UN system, that is, all UN departments, funds, programmes, entities, trust funds, commissions, peacekeeping missions, special political missions, peacebuilding missions, and other bodies.

C. RATIONALE

The UN Focal Point for Electoral Assistance, the Under-Secretary-General for Political Affairs, (hereafter "the Focal Point") is the system lead in the development, issuance and dissemination of UN electoral policy. UN electoral policy is defined as the normative framework and prescriptive guidance that apply to all UN entities providing electoral assistance. This policy directive has been developed as part of the efforts of the Focal Point to develop a complete set of UN system-wide electoral policies.

D. POLICY

D1. International Normative Framework: Rights and Principles Related to Electoral Processes

The Universal Declaration of Human Rights recognizes that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives" and that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures".

International human rights instruments also protect a number of basic rights, the enjoyment of which are crucial for a meaningful electoral process. The right to participate in free and fair elections implies other rights, including: the right to freedom of expression, the right to freedom of opinion and the right to peaceful assembly.

These rights and principles are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international legal documents that are listed in more detail in Annex A.

UN electoral assistance should respect and aim at furthering compliance with these rights and standards while at the same time adhering to the various principles outlined in this policy directive including national sovereignty and respect for the local context.

D2. Prerequisites for UN Electoral Assistance

Before the United Nations provides any type of electoral assistance two preconditions must be met: first, all UN electoral assistance must be based on a Security Council or General Assembly mandate or an official request from a member state or territory and, second, a needs assessment must be carried out by the Focal Point in consultation with relevant UN entities.

Request or Mandate:

- The UN must first receive a formal written request for electoral assistance from the government or be mandated by the General Assembly or the Security Council.
- Requests for assistance should be made sufficiently in advance to ensure there is adequate time to assess the request and potentially provide such assistance. The more time the UN has to respond to a request, the better it will be able to process the request and provide assistance.
- Requests for electoral assistance can be made by the head of government or the minister of foreign affairs. In some circumstances, requests from other entities such as a ministry involved in the delivery of electoral assistance or the electoral commission may also be considered as acceptable. Requests cannot be made by groups within the legislature, nor by civil society or other groups.

Assessment by the UN Focal Point for Electoral Assistance:

- The Focal Point, on behalf of the Secretary-General, must consider all requests for electoral assistance before the UN system provides or makes any project commitment to electoral assistance.
- If the assistance is provided in furtherance of a General Assembly or Security Council mandate, the Focal Point will not assess the appropriateness of providing assistance, but should set the parameters for the assistance in line with the mandate. In other cases, the Focal Point will first decide whether it is appropriate for the UN to provide assistance and then set the parameters for UN electoral assistance.
- Needs assessments will be carried out by the United Nations Electoral Assistance Division (EAD), in its role of supporting the Focal Point, in consultation with appropriate UN entities. Needs assessment should result in a report and recommendations on the basis of

which the Focal Point will make a decision. UN electoral assistance projects and programs will reflect the parameters set by the needs assessment.

- The decision of the Focal Point will be transmitted to the member state and the lead assistance provider(s).

Details regarding how needs assessment are conducted are contained in the guideline *United Nations Electoral Needs Assessments* (Ref. No. FP/02/2012). This policy directive should therefore be read in conjunction with the aforementioned guideline.

D3. Types of UN Electoral Assistance

Current Forms of assistance

The United Nations provides six basic types of electoral assistance. The first two require a General Assembly or Security Council mandate:

- a) organization and conduct of elections;
- b) certification;
- c) technical assistance;
- d) expert panels;
- e) operational support to international observers; and
- f) support to creating a conducive environment.

(a) Organization and conduct of an electoral process

If the United Nations is mandated to organize and conduct an election or referendum, the organization assumes the role normally fulfilled by national electoral authorities. In such cases the UN has full authority over the process. This mandate requires the establishment of a framework of laws, procedures and administrative measures necessary for the holding of elections, the establishment of an institutional structure and the actual administration of the electoral process.

Due to the primacy of the principle of national ownership this type of assistance is very rarely mandated and is unlikely to be undertaken except in special post-conflict or decolonisation situations characterized by insufficient national institutional capacity.

This type of mandate is only possible via a Security Council or General Assembly resolution, which should be based on the agreement of the relevant government to cede this sovereign activity to the control of the United Nations.

Examples: The United Nations Transitional Authority in Cambodia (UNTAC) was responsible for the organization and execution of national elections in Cambodia in May 1993 as part of the Agreements on the Comprehensive Political Settlement of the Cambodia Conflict. The United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was requested to organize elections for all local government bodies in April 1997 in cooperation with Croatian authorities. The United Nations Mission in East Timor (UNAMET) was requested to organize and conduct the popular consultation in 1999. Subsequent presidential and parliamentary elections in 2001 and 2002 were organized and conducted by the United Nations under the mandate of the United Nations Transitional Administration in East Timor (UNTAET).

(b) Certification of an electoral process

In the case of certification operations, the United Nations is requested to certify the credibility of all or specific aspects of an electoral process conducted by the national election authority. This used to be referred to also as "verification" and both terms, "verification" and "certification", have been used in the past for this type of assistance.

In such cases, the United Nations is required to produce a final statement attesting to an election's credibility. In order to issue such a statement, certification operations must cover all relevant aspects of an electoral process conducted by the national authorities. Certification therefore requires early engagement by the UN. In undertaking its activities, the UN may recommend ways in which the process may be improved. Depending on the type of mandate, the

certifier will have several tools at his disposal to encourage or ensure compliance with his recommendations.

Certification missions must be mandated by the Security Council or General Assembly and are rarely authorized. Such assistance concludes with a pronouncement on the legitimacy of the electoral process. It is therefore a very sensitive mandate, and is considered only on a limited and exceptional basis, usually only when it is deemed absolutely necessary to contribute to political stability or preserve a peace process. Caution should be exercised if the UN is mandated to certify elections in cases where technical electoral assistance is being provided by the UN system in order to prevent a conflict of interest. Only if specifically mandated by the General Assembly and/or the Security Council should the UN both certify elections and provide technical assistance to one country simultaneously.

Examples: Verification missions were mostly conducted in the early 1990s in Angola, El Salvador, Haiti, Nicaragua, Mozambique and South Africa. Certification was carried out in Cote d'Ivoire in 2010 and 2011 and Timor Leste in 2007.

(c) Technical assistance

Technical assistance is by far the most frequent form of United Nations electoral assistance. Technical assistance may be provided on the basis of a Security Council or General Assembly mandate as a component of a larger peacekeeping or political mission, or may be provided on specific request from the government through a UN entity.

Technical assistance can be defined as the legal, operational and logistic assistance provided to develop or improve electoral laws, processes and institutions. It can cover all, or some, aspects of the electoral process. It can focus on one electoral event or can be long term covering a number of electoral events depending on the mandate or request and the needs assessment. While UN technical assistance focuses primarily on election administration and institutions it may also include assistance to a number of other stakeholders and institutions. Gender and human rights issues and implications will be systematically considered in all aspects of technical electoral assistance provided by any part of the UN system.

The types of technical assistance to be provided by the UN in a specific country will be determined by the Focal Point, through the needs assessment process, during which due consideration should be given to whether other organizations are or could provide assistance, there is a clear national demand or need for UN engagement in a specific area.

The main types of UN technical assistance include but are not limited to the below:

1/ Technical assistance/advice to the national electoral authorities: This involves deploying UN personnel to work with an electoral management body and the provision of assistance and advice on any aspect of an electoral process to the electoral management body's commissioners and executive branch. The focus should be on strengthening the electoral institutions, building greater public information and outreach capacity, and helping in planning, preparing and conducting elections and referenda. Advice can typically be provided on the following areas:

- electoral laws and regulations
- electoral system design
- electoral planning and administration
- electoral budgeting and financial management
- constituency delimitation
- election logistics and operations
- procedural development
- training of election officials
- voter registration (and civil registries as they relate to voter registration)
- polling and counting
- results management
- civic and voter education
- engagement with political parties and observers
- inclusive participation (with a focus on greater participation by women and other underrepresented groups, including through the application of TSMs)

- public outreach and engagement with the media
- compliance with the media regulatory environment (where assigned to the EMB)
- compliance with the political finance and campaign finance regulatory environment (where assigned to the EMB)
- political party registration (where assigned to the EMB)
- candidate registration
- electoral dispute resolution
- procurement of election materials
- election security
- professional development of election management bodies
- electoral reform (legal framework, systems, electoral boundaries, electoral management etc)
- building sustainable electoral processes

In some rare cases, UN staff may be deployed as voting or non-voting members of an electoral management body.

Examples: This type of assistance is by far the most common and has been provided to over 100 Member States.

2/ Operational support: The UN may provide direct planning, logistical and operational support to a national election authority. This could include movement control advice or operational support and coordination, the use of transport assets, sensitive electoral materials storage, operational coordination facilities and communication and information technology infrastructure. This is typically provided in the framework of a DPKO or DPA mission when they are present in the country or by UNDP or UNOPS in other cases with support of other specialized UN partners and is normally combined with the provision of technical assistance/advice.

3/ Materials support: The UN may assist the national authorities in the procurement, property control, handover and sustainable planning of electoral materials. Where necessary, the UN may support national partners with critical electoral infrastructure of the government, particularly in post-conflict / post-disaster situations where the government requires particular support. Increasingly, the UN is providing procurement advisory support to national electoral authorities in order to build their capacity to undertake timely and sound procurement processes on their own.

4/ Financial and field administration support: Support to national partners in disbursement and accounting services for financial resources related to the conduct of an electoral process.

5/ Mobilization and coordination of financial resources for electoral support: The UN may provide assistance to national authorities by conducting fundraising, putting in place and managing basket fund management, and assisting the national authorities with budgeting.

6/ Training of judiciary: The UN may provide training to judicial authorities when they are in charge or involved in the management of complaints and electoral violations.

7/ Support to security forces: Activities in this area can be of several types: the provision of advice, support and/or training to national security institutions on how to conduct security risks assessments and develop security plans/strategies, how to provide security during the electoral process in compliance with international standards, coordination with international military and security actors and/or in rare cases the provision of electoral security by UN Police, military or civilian security experts.

8/ Media training/monitoring/compliance: Activities in this area may include encouraging the adoption of and compliance with electoral media codes of conduct and regulations, advising an electoral management body on ensuring compliance with the electoral media regulatory environment (where assigned to the EMB), or it may include training the media to provide professional, balanced, comprehensive and gender-sensitive coverage of elections, strengthening the communication between the election authorities and the media and monitoring of the media's election coverage.

9/ Political and campaign finance technical assistance: This type of assistance can be provided to the bodies mandated to ensure compliance with the campaign finance regulatory framework. Assistance can be provided to develop both formal and informal mechanisms and procedures for monitoring and enforcing compliance. Informal mechanisms can include campaign codes of conduct specifically related to financing of election campaigns, and more formal mechanisms can include advise on the establishment and implementation of both monitoring tools (to determine spending levels) and sanctioning tools for violations of the rules and regulations.

10/ Political registration technical assistance: This type of assistance can be provided to the bodies mandated with registering political entities, often a precursor for electoral participation. In some cases this body is the EMB, in other cases the mandate may be given to specific political party or entity registration bodies.

9/ Capacity building of civil society organizations (CSOs): The UN may provide technical and material assistance to CSOs involved in activities aimed at increasing the credibility and integrity of the electoral process, including:

Domestic observer groups: The UN may provide technical and material assistance aimed specifically at strengthening the capacity of domestic observer groups to observe electoral processes. Assistance can be provided in areas such as technical assistance, including the development of methodologies for election observation, logistics support, funding, providing advisory support and/or direct training to domestic observer groups and the development of networks with other civil society and observer groups. In providing such assistance, the UN should be careful not to be perceived as observing the electoral process itself and should therefore not engage in activities that may lead to such misperception, in particular involvement in the actual deployment of the observation mission, assisting with drafting reports or participating in the implementation of domestic observation. Care should also be taken with the selection of groups to be supported focusing on those that are perceived to be objective, impartial, neutral and independent and where possible support should be provided to more than one group. Caution should be exercised when these activities are undertaken in conjunction with wider technical assistance to the EMB projects to avoid a perception of a conflict of interest.

CSOs promoting inclusiveness: The UN may provide technical and material assistance to CSOs engaged in promoting an inclusive electoral process, including the participation of specific groups, including under-represented groups, women's groups and persons with disabilities.

CSOs promoting conflict prevention strategies: The UN may also provide technical and material assistance to CSOs engaged in promoting a peaceful electoral process through initiatives focused on conflict prevention and management, transparency and accountability of the electoral process.

Support to CSOs must be designed and provided transparently, in an impartial and as much as possible equitable manner and in a way which is and is perceived to be politically neutral.

10/ Engagement with political parties: Assistance should be provided based on the recommendations of the NAM, which includes an assessment of potential risks relating to working with political parties in a certain context and would depend on the political circumstances in the country at hand. Activities in this area should focus on:

Multi-party thematic initiatives including women's political empowerment, the promotion of the electoral rights of persons with disabilities or conflict prevention particularly in the form of knowledge transfer or capacity building of parties through multi-party groupings (most likely seminars or workshops).

Support to the development of legal or institutional frameworks related to political parties and electoral processes, including gender-sensitive measures.

Cross-party dialogue initiatives particularly as they relate to the facilitation of an ongoing dialogue amongst parties to ensure they are talking to each other and addressing relevant issues (potentially conflict-driven).

Strengthening the communication between the election authorities and the political parties.

Code of conduct development through the encouragement of parties to create, adopt and respect a Code of Conduct during the election period.

In some circumstances, the UN may support the opening of political party resource centres or other means to provide infrastructure and equipment support for parties, including, for example, computer and other office supplies support. The provision of such support should be strictly regulated, however, and, where provided, given on a strictly neutral, balanced manner.

The UN should never provide direct funding to political parties and should generally not engage in electoral assistance activities relating more strictly to political party capacity development such as training parties on how to fundraise or build local branches or platform development. Exceptions could be supporting parties that want to develop women's wings or youth wings or who want help with internal party regulations to ensure they reflect inclusiveness.

Activities in support of elected parliamentarians are outside of the remit of UN electoral assistance, but are however provided by UN entities in the broader governance assistance framework.

As with all electoral support, engagement with political parties must be designed and provided transparently, in an impartial and equitable manner and in a way which is perceived to be politically neutral.

11/ Coordination of international electoral assistance: In most cases where the UN provides electoral assistance a number of other international actors also provide assistance. The UN can play a role in creating and possibly leading a coordination structure, where requested by the national authorities, among other international and regional organizations supporting or providing electoral assistance to ensure coherence of advice, reduce duplication and avoid gaps.

(d) Expert Panels

In special and relatively rare cases, at the request of a member state, the United Nations has appointed a panel of political and/or electoral experts to follow and report on an electoral process. These expert panels entail the deployment of a small team of experts to follow and review specific phases of an electoral process conducted by the national authorities. Relying on its own observations as well as those of other international and national stakeholders, the expert panel assesses the overall political and technical conduct of elections, in accordance with its mandate and may, through the UN Focal Point on Electoral Assistance, provide an internal report to the Secretary-General.

In undertaking this activity, the role of the panel should be unobtrusive, impartial and focused on carrying out an assessment of the electoral procedures and processes. The team should normally not publicly express its view on the electoral process. Rather, its findings must be reported back to the Secretary-General or the UN Focal Point. At the latter's discretion any recommendations formulated by the team for the improvement of the electoral process may be transmitted back to the national authorities and/or made public.

While panels do not normally release public statements or assessments, public statements may be issued in special cases as a confidence-building measure, and the panel may take a more high-profile approach.

An expert panel can also serve as a political/"good offices" tool, in that it can play a role in confidence-building and in shuttle diplomacy as needed. This is particularly the case where the expert panel is headed by senior diplomatic personnel, e.g. former heads of state.

No General Assembly or Security Council resolution is required; a request from the government is, however, required.

Caution should be exercised if the UN deploys an expert panel in a country where technical electoral assistance is being provided by the UN system in order to prevent a conflict of interest. Expert panels must take care not to be, or be perceived to be, monitoring the technical assistance provided by the UN, but only the electoral process as managed by the national authorities. There should be no perception of a conflict of interest among UN entities. Any assessment of the election's overall credibility should as a rule remain confidential, unless it is deemed to be helpful, by the Focal Point or Secretary General, to make it public in a given situation.

Examples: This type of assistance was provided in Nepal in 2008 and for the referendum in Sudan in 2011.

(e) Operational support to international observers

At the request of the member state, the United Nations may establish a small secretariat to support international election observers invited by the government. The support provided consists of all administrative actions needed to implement the mission and can include contracting of personnel, procuring of office facilities, vehicles and other logistical items and the provision of a number of other services such as briefings on the electoral system and the political situation, providing deployment plans and checklists and facilitating the production of statements by observer groups. The primary goal is to contribute to the efficiency and effectiveness of an election observation effort.

Observers are briefed together to ensure a consistent approach and are invited, but not obligated to share their findings. This allows individuals and groups participating in the larger observer group to benefit from a more comprehensive view of the electoral process and prepare assessments based on more data than individual observations would provide. Organizations may issue joint or separate statements.

Due to the risk that the UN might be misperceived as having direct involvement in the actual observation and related statements, the following principles should be observed:

- the UN should only agree to provide operational support on request from a member state;
- neither the UN nor the government will oblige observer groups to participate in this effort;
- the UN should maintain a low profile throughout this activity and should bar the use of the UN logo or name in any materials related to observer activities (including t-shirts, hats or vehicle decals, etc) or in any of the observer statements or reports;
- the UN should not be a signatory to the observer reports nor render an opinion on the electoral process or otherwise seek to influence observer findings or statements. Observer statements should make clear that they do not represent the views or opinions of the United Nations;
- UN staff should not be accredited as observers and should only be seen in polling stations on election day if there is a justified reason for their presence, as decided by the SRSG or RC, in consultation with the Focal Point.

This type of assistance can take place alongside United Nations technical assistance and does not require a Security Council or General Assembly mandate. Caution should be exercised, however, when these activities are undertaken in conjunction with technical assistance projects in order to avoid a perception of a conflict of interest. Where possible, a UN entity providing technical assistance to a country should not at the same time provide assistance to international observers in that same country; another UN entity may however assume that role.

Examples: This type of assistance was first tested in Ethiopia and Kenya in 1992 and has subsequently been provided in a large number of countries.

(f) Support to creating a conducive environment:

The mandate of DPKO and DPA missions often includes provisions related to creating a conducive environment for the implementation of various tasks usually listed in their mandate. In countries where they have such a mandate, they may use their good offices and political role to contribute to creating a conducive environment for the holding of elections.

In some cases UN staff, including UN political officers, are asked to follow the electoral process, including election day, to assess the political environment and report to headquarters.

Through their military, police and civilian presences, the DPKO missions may also help stabilize the security situation, which is essential for a conducive environment for elections, in collaboration with and drawing on resources of other UN entities as needed.

As per its mandate, OHCHR may also decide to monitor the human rights situation in a country, before, during and/or after an election in order to foster an environment conducive to credible elections and ensure the respect of relevant international standards.

As per its mandate, UN Women may also decide to monitor the situation regarding women's participation in a country, before, during and/or after an election in order to foster an environment conducive to inclusive elections and ensure the respect of relevant international and national standards.

In specific circumstances such as countries in transition or at risk of violence, DPA as the UN system lead for peacemaking and preventive diplomacy may also assist with mediation, conflict prevention and good offices. Support to reducing and managing election related violence may entail the deployment of UN staff or UN experts to the country to support existing UN electoral assistance efforts. These can include UN staff, in particular DPA staff, UNDP staff, UNDP/DPA Peace and Development Advisors (PDA) and /or other experts deployed to the RC/RR's office. For issues related to gender-based violence and elections, UN Women should be consulted. In transitional and high risk of electoral violence situation the UN system's, and in particular UNDP's, on-going programmes with a focus on governance and conflict prevention and peacebuilding may contribute to lowering of tensions and mitigating risks, supporting the creation of a conducive environment. The SRSG, ERSG or other representative of the Secretary-General and in non-mission settings, RC/RRs, in their capacity as representatives of the Secretary-General may in close coordination with DPA, play a mediation, conflict prevention and good offices role.

Furthermore, DPA has created a Mediation Support Unit, which serves the entire UN system as well as Member States and regional organizations. It provides technical, logistical and financial assistance to mediation efforts. It includes a stand-by team of mediation experts who can be deployed within 72 hours and who have thematic expertise in a wide range of areas including process design, power-sharing, natural resource issues, constitutions, gender and security arrangements.

The gender consideration is particularly important in post-conflict situations. As per SC Resolution 1325, electoral assistance programming should avail itself of the assistance of the Gender Advisors appointed within UN operations and staff on other relevant UN rosters with sector-specific gender expertise.

Finally, this type of support may also entail cooperation, sometimes through DPA regional offices, with regional or international actors involved in supporting a conducive environment for the elections. Such forms of cooperation can take the shape of joint visits, joint declarations or participation in mediation or good offices fora (such as international contact groups).

In some cases, there is a risk that such types of activities particularly, human rights, gender and political monitoring, may be perceived as UN election observation. For this reason, it is important that the relevant UN entities providing such types of assistance emphasize their specific mandate, whether it be human rights, women's rights or political and mediation support and refrain from traditional election observation tasks, such as observing the technical aspects of the electoral process, including observation of polling and counting in the polling stations.

Public statements on the validity of the electoral process and especially the electoral results should generally not be made and in any case will require the Focal Point's approval.

Past forms of assistance

In the past, the UN has also provided other types of assistance that have not been provided for many years, and should be provided only after careful consideration. Both of them require a General Assembly or Security Council mandate. They are:

- a) supervision;
- b) observation

(a) Supervision of an electoral process

An electoral supervision operation requires the UN to endorse and certify each progressive phase of an electoral process in order to attest to the overall credibility of the election. Where the UN is not satisfied with the electoral procedures or their implementation in a particular phase, the electoral management body (EMB) conducting the process is required to act upon UN recommendations and make any necessary adjustments. In such operations, the progress of the election is contingent upon the UN's certification of each phase.

Such assistance is very rarely provided. It should only be provided under a Security Council or General Assembly mandate as such activity requires the government to effectively cede sovereignty in this area. It should generally be undertaken only in the context of decolonization, at the request of the relevant government.

Example: The United Nations most recently supervised elections in Namibia in 1989.

(b) Observation

UN election observation entails the deployment of a mission to observe each phase of an electoral process and report back to the Secretary-General on the election's credibility.

The mission records and collates its observations to produce a comprehensive statement for and on behalf of the Secretary-General. This results in a general report that highlights strengths and weaknesses in the process and provides recommendations for improvement. Observer missions generally result in a public statement by the United Nations on the quality of the election, although in some cases they can provide an internal report to the Secretary-General.

United Nations observer missions are generally large-scale operations that should cover a sufficient number of polling stations for the statement to be meaningful and are therefore complex to organize. For example, long-term observers should ideally be in place several months before the election in order to observe voter registration, the campaign environment, and other pre-electoral processes and conditions.

Because of the possible political impact of a United Nations statement on the credibility of an election, observation missions are not dispatched unless there is a formal request from the government as well as an authorizing resolution by the General Assembly or the Security Council. To avoid a perception of a conflict of interest, the UN should in principle not observe elections in cases where it is providing electoral technical assistance. The two can be conducted simultaneously only if specifically mandated by the General Assembly and/or the Security Council and two different parts of the UN take on observation and technical assistance respectively. In general, other organisations have a comparative advantage in this field and the UN has been moving away from this activity.

Example: This type of activity is extremely rare. The last formal UN observation mission was fielded in Fiji, in 2001.

Variations in and possible combinations of different types of assistance

Variations in the different types of assistance may be possible. Within the general framework laid out above, assistance modalities may be adapted, combined or modified in order to meet the

particular needs of a requesting government. All variations or combinations will however be subject to the same principles and reflect the parameters set by the needs assessment.

A number of different types of assistance can also be combined at any given time in one country. As already noted above, particular attention should be paid in those circumstances to avoid the perception of a conflict of interest. In particular if one UN entity is providing technical assistance this same entity should whenever possible not engage in other types of assistance such as observation, operational support to international observers, supervision or verification/certification.

D4. Principles of UN Electoral Assistance

UN practice in providing electoral assistance has evolved over time in response to a number of developments. These include: the evolution of the organization, changing demands and requests from Member States, the increase in and involvement of other institutions working in the field, socio-economic changes, developments in national and international law, various Security Council and General Assembly Resolutions and better understanding of good practice and lessons learned.

The types and circumstances of UN electoral assistance will no doubt continue to evolve, and will always depend on the specific context. However, regardless of the context and the circumstances, the UN must adhere to the relevant international rights and standards and is guided by a number of principles when providing electoral assistance.

The Focal Point has the GA-mandated responsibility to ensure that UN assistance adheres to these principles.

1. National sovereignty and ownership

General Assembly resolution A/RES/66/163 of 20 December 2011 reaffirms that UN Member States are responsible for organizing, conducting and ensuring free and fair electoral processes and that in the exercise of their sovereignty, they may request assistance.

UN electoral assistance should therefore only be provided on the basis of a request from a member state or a Security Council or General Assembly mandate. To ensure national sovereignty is respected, if the electoral mandate stems from a Security Council or General Assembly resolution, the UN should still encourage the country to separately request electoral assistance as an expression of national will to have the UN associated with the electoral process.

UN electoral assistance should also promote national ownership of the electoral process by the Member State. While providing electoral assistance, UN electoral assistance providers can propose options to the State and election authorities but must in the end respect their decisions.

Exceptions to this principle would be when the UN has received a mandate from the Security Council or General Assembly to organize, certify or supervise an electoral process.

2. Objective, impartial, neutral and independent

General Assembly resolution A/RES/66/163 reaffirms that electoral assistance provided by the UN should be carried out in an objective, impartial, neutral and independent manner.

This means, inter alia, that the UN will not provide assistance that might favour one political group or disadvantage another, and will uphold the free expression of the will of the people. UN personnel will not seek or accept instructions or compensation from any external source while performing their duties.

3. Broad national support for UN involvement

Following from the above principle on sovereignty, the UN must assess whether there is broad national support for UN involvement before engaging in electoral assistance.

During the needs assessment, support for UN involvement in electoral assistance should be assessed with as many interlocutors as possible, including institutions of government, opposition groups, civil society organizations, women's groups, persons with disabilities, youth and minority groups and other traditionally under-represented or marginalised groups. The parameters of UN electoral assistance should be shaped based on these findings keeping in mind that some activities may receive additional emphasis. Broad national support for UN involvement in electoral assistance should continue to be gauged throughout the implementation of UN electoral assistance.

UN electoral assistance should promote national ownership of the electoral process, not only by the State or the national electoral authorities but also by the broader society that will participate in, have an impact on and/or be impacted by the elections.

4. Needs based

General Assembly resolution A/RES/66/163 recommends that the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes based on a needs assessment and in accordance with the evolving needs of requesting Member States.

All UN electoral assistance should be based on an assessment of needs. Needs assessments are led by EAD, and conducted in consultation with appropriate UN entities. Modalities for needs assessments for UN electoral assistance are detailed in the guideline entitled *United Nations Electoral Needs Assessments* (Ref. No. FP/02/2012).

5. Norm-based but not prescriptive to respect the local context

While democracies share common features, General Assembly resolution A/RES/66/163 has reaffirmed that there is no single model of democracy.

Electoral assistance is provided with the understanding that there is no "one size fits all" model or solution. A comprehensive analysis of the national social, economic and political context combined with a thorough analysis of needs should guide the type of advice that is provided. To the extent possible, options and the consequences of each should be presented for consideration.

Various UN actors provide electoral advisory services to Member States and other stakeholders in line with their mandates, including on options, lessons and comparative experiences and in line with UN electoral policy. While the UN should generally not be prescriptive, this does not prevent the UN from advising the requesting state on the implementation of its own international and regional commitments, norms and principles with respect to elections and on the need for transparency and inclusiveness, which are likely to increase the credibility of the electoral process.

Electoral advisory services of a prescriptive nature should be consulted with DPA, if there is no specific UN policy, if the policy is unclear or in situations of armed conflict, heightened political instability, social unrest or heightened reputational risk for the UN.

6. Political perspective and the management of election-related conflict

Elections are fundamentally political events where political power is allocated based on the decisions of citizens based on voting processes. UN electoral assistance must therefore be cognizant of this fact and sensitive to its implications.

The UN must ensure that it is, and is perceived to be, politically neutral and that its assistance contributes to political pluralism and longer-term stability and is not abused by any political grouping or used as a cover for electoral processes that do not allow for political pluralism or real competition.

Assistance aims to facilitate maximum political participation and contribute to longer-term political stability. Due consideration must therefore be given to the political context, how to involve all

political groupings and viewpoints, how to promote participation, including of marginalized groups, how to establish adequate dispute resolution mechanisms and promote the acceptance of outcomes.

A risk analysis, including risks to the organization and a conflict prevention and mitigation strategy should be incorporated into all needs assessment missions and project documents.

7. Integration

As per decision No 2010/23 of the Secretary-General (12 October 2010 meeting of the Policy Committee), all electoral assistance in peacekeeping, peacebuilding, or special political mission settings should be delivered in a fully integrated manner from the outset, whether or not the mission is structurally integrated. Furthermore, as a norm, and subject to existing guidance on integration, electoral components in structurally integrated missions should report to the SRSG or mission head through the Deputy SRSG who is also Resident Coordinator.

In non-mission settings effective mechanisms should be established to ensure coordination, coherence, consistency and collaboration and avoidance of duplication in UN electoral assistance.

8. Broader and longer-term focus

General Assembly resolution A/RES/66/163 recommends that UN electoral assistance is provided throughout the timespan of the entire electoral cycle, including before and after elections, as appropriate, based on a needs assessment and in accordance with the evolving needs of requesting Member States, in order to help to strengthen their democratic processes.

UN electoral assistance will thus be provided with a longer-term perspective that focuses on building sustainable and credible national institutions and processes and with the aim that in the future electoral processes will be entirely nationally managed.

With this aim in mind the assistance will facilitate and promote an understanding, by both the electoral authorities and all other stakeholders, of the broader nature of electoral processes including all the constituent parts and phases, the interrelation with political, social and economic issues, the role of all stakeholders and both the short and the longer term considerations and objectives.

In addition to focusing on particular electoral events, the assistance should help the electoral authorities and other stakeholders to identify future needs and how these can be addressed while increasingly building national capacity and institutional and political stability and at the same time progressively scaling down external assistance. This is why, while ensuring that a focus is kept on the long-term, UN assistance is nonetheless provided in a specific time window, after which a new request is required (unless there is a Security Council or General Assembly mandate).

9. Gender perspective

Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women states that parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.

UN electoral assistance will take into account the barriers and constraints that women face to participation in elections, including financial constraints, security constraints, discrimination based on gender stereotypes and constraints caused by the burden of childcare and employment in informal sectors, and should fully mainstream a gender perspective into all aspects of electoral assistance, including by:

- considering the specific needs of women and girls in the development and design of policy in all areas;

- reviewing the differential impacts of electoral systems on the political participation of women and their representation in elected bodies;
- giving rigorous assessment to the potential benefit of temporary special measures given the particular country context;
- incorporating the perspectives, contributions and experience of women's organizations in policy and programme development.

The gender consideration is particularly important in post-conflict situations. As per SC Resolution 1325, electoral assistance programming should avail itself of the assistance of the Gender Advisors appointed within UN operations and staff on other relevant UN rosters with sector-specific gender expertise.

10. Promote inclusiveness, including the involvement of under-represented or marginalized groups

While providing electoral assistance and recognizing that there are many stakeholders in any electoral process, both national and international, and the UN must try to be responsive to the needs, requests and demands of each, the ultimate goal of UN electoral assistance should be to facilitate the expression of the will of the people. A primary focus of UN electoral assistance is therefore to facilitate and promote universal and equal suffrage. This involves advice on how this can be achieved in a general sense and also through targeted interventions to address specific needs and groups.

In furtherance of its aim to facilitate and promote universal and equal suffrage UN electoral assistance seeks to promote the involvement of under-represented or marginalized groups in electoral processes. These can include women, youth, minorities, persons with disabilities and other populations vulnerable due to poverty or illiteracy.

UN electoral assistance should provide support to the development of policies and the implementation of appropriate measures to promote the participation of under-represented or marginalized groups in electoral processes. This will include measures specific to electoral events, temporary special measures, and longer term programmes.

11. Cost-effectiveness

General Assembly resolution A/RES/66/163 recognizes that electoral assistance, particularly through appropriate, sustainable and cost-effective electoral technology, supports the electoral processes of developing countries. UN electoral assistance should be cost effective for Member States and donors and should aim to contribute to longer term sustainability of electoral processes in the recipient country, in light of its other developmental and budgetary responsibilities and requirements.

When defining areas for assistance, the UN should always consult and coordinate with other international providers of electoral assistance to avoid duplication, increase synergies and ensure that there are no gaps in the provision of international assistance. In these discussions the UN will endeavour to identify areas where it, and the other organizations, have comparative advantage and, by agreeing on responsibilities on this basis, provide cost effective and responds to the needs in an effective way.

12. Sustainability

General Assembly resolution A/RES/66/163 also notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for these elections.

In the design of assistance programmes and the provision of advice consideration must be given to the fact that in the longer term the country itself will need to manage and fund all electoral processes. Any assistance and advice, particularly on systems to be used, for example voter registration systems, or programmes to implement, for example funding of civil society groups, should incorporate advice on the longer term consequences and costs.

UN electoral assistance should always be provided with full national management as an intrinsic goal. Capacity-development and knowledge transfer should be a core tenet of any UN electoral assistance. Peer to peer tutoring, training and capacity development will therefore be central to any electoral assistance programme.

From the onset, to the extent possible, all UN electoral assistance planning should consider an exit strategy for the UN, including a tentative timetable towards the ultimate cessation of assistance.

E. TERMS AND DEFINITIONS

F. REFERENCES

Normative or superior references

International Legal Documents as referred to in the Annex;
General Assembly Resolution A/RES/66/163;
Report of the Secretary-General of 19 August 2011 on Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization.

Related guidance

Guideline on United Nations Electoral Needs Assessments (Ref. No. FP/02/2012).

G. MONITORING AND COMPLIANCE

The Focal Point is tasked with ensuring coordination within the United Nations system with regard to electoral assistance and will therefore help to ensure that the principles outlined in this document are adhered to.

Managers of UN electoral assistance programs and projects will also be responsible to ensure compliance with this directive by all UN electoral staff under their supervision.

H. DATES

This policy became effective on 11 May 2012. It shall be reviewed every two years or as necessary.

I. CONTACT

Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs

J. HISTORY

Drafted by the Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs on 1 May 2012.

Consulted with members of the ICMEA prior to adoption

SIGNED:

DATE:

A handwritten signature in black ink, appearing to read 'Stephany', written in a cursive style.

11/5/2012

Annex A: International Normative Framework: Rights and Principles Related to Electoral Processes

Rights and principles

International principles on elections recognize and protect the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected, and the right to have access to public service. These rights are enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Universal Declaration of Human Rights further states that the will of the people shall be the basis of the authority of government.

The most relevant rights and principles pertaining to electoral processes are as follows:

Universal Declaration of Human Rights

Article 21

1. *Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*
2. *Everyone has the right to equal access to public service in his country.*
3. *The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.*

International Covenant on Civil and Political Rights

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) *To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- (b) *To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*
- (c) *To have access, on general terms of equality, to public service in his country.*

General Comment 25 of the UN Committee on Human Rights on "The right to participate in public affairs, voting rights and the rights to equal access to public service" provide further guidance on the interpretation of article 25 of the International Covenant on Civil and Political Rights.

Non-discrimination

Both the Universal Declaration of Human Rights (art. 2) and the International Covenant on Civil and Political Rights (art. 2) provide that the enjoyment of the rights listed shall be without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In particular the International Convention on the Elimination of All Forms of Racial Discrimination states that:

Article 5

c) "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...]

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the government as well as in the conduct of public affairs at any level and to have equal access to public service;"

Other international declarations and treaties provide for the equal enjoyment by women of these rights, and outlaw discrimination on the basis of sex. These declarations and treaties also recognize that women face structural constraints to political participation in elections and that special measures are needed in certain contexts to provide women with equal opportunity and treatment. Notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

Self-determination

The notion of democratic elections may be said to be rooted in the fundamental concept of self-determination. This basic right is recognized in the Charter of the United Nations (Art. 1, para. 2) and in article one common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. By virtue of that right all peoples freely "determine their political status and freely pursue their economic, social and cultural development".¹ The Charter further emphasizes the importance of self-determination in regard to Non-Self-Governing and Trust Territories (Arts.73 (b) and 76 (b)). Thus, while elections are not the sole means that peoples have employed in the expression and exercise of their right to self-determination, their historical role in that regard is clear.

Political participation

A number of international instruments, while not necessarily specifically mentioning elections, do reflect the principal concerns underlying the concept of democratic elections. These are expressed variously as the right of peoples freely to determine their political status; the right of all elements of society to active participation in defining and achieving development goals; and the right of all people to participate in the political life of their country.

Specifically, the Convention on the Political Rights of Women aims to implement the principle of equality of rights for men and women contained in the Charter of the United Nations and to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights:

Article 2

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

¹See General Comment No. 12 of the Human Rights Committee on "The right to self-determination of peoples", (article 1 of the ICCPR), twenty-first session, 1984.

The role of these rights in the achievement of independence by colonial countries is framed in the Declaration on the Granting of Independence to Colonial Countries and Peoples (art. 5), which provides that the freely expressed will and desire of the people shall guide the transfer of governmental power to them.

Basic rights and principles

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international and regional human rights instruments protect a number of basic rights and principles, the enjoyment of which is crucial to a meaningful electoral process. Of particular importance for the exercise of the participatory rights guaranteed in article 25 of the ICCPR are the enjoyment of the freedoms of expression, of information, of assembly, of association and of movement; freedom from coercion, compulsion or intimidation, an independent scrutiny of the voting and counting process, respect and implementation of the results, as well as access to judicial review wherever required.²

²For details see GC No. 25 of the Human Rights Committee on “The right to participate in public affairs, voting rights and the right of equal access to public service”, fifty-seventh session, 1996