



East African Community

The EAC Principles for Election Observation and Evaluation

- *Guidelines for EAC Election Observation Missions*
- *Code of Conduct for Election Observers*

The East African Community
November, 2012
Arusha, Tanzania

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THE EAC PRINCIPLES FOR ELECTION OBSERVATION

PREAMBLE

The East African Community (EAC) Partner States, namely the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, Republic of Uganda and The United Republic of Tanzania;

ACKNOWLEDGE that they share a common heritage;

RECOGNISE their efforts in working towards a common destiny, as encapsulated in the Community's motto, "*one people one destiny*";

COMMITTED to upholding the principles of democracy, rule of law, social justice and the maintenance of universally accepted standards of human rights under Article 7 (2) of the Treaty for the establishment of the EAC;

INFORMED by the following provisions of the Treaty:

- i. Article 123 of the Treaty, which requires the Partner States, among other things, to develop and consolidate democracy, rule of law, respect for human rights and fundamental freedoms;
- ii. Article 6 (d) of the Treaty, which sets out the fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States to include "*good governance, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the 1981 African Charter on Human and Peoples' Rights*";
- iii. Article 3 (3) (b) of the Treaty, which provides that membership in the Community requires adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice;

GUIDED by, *inter alia*, the following international and regional instruments:

- i. The 1981 African Charter on Human and Peoples' Rights;
- ii. The 2007 African Charter on Democracy, Elections and Governance;
- iii. The 2002 African Union (AU) Declaration on Principles Governing Democratic Elections;
- iv. The 1948 Universal Declaration of Human Rights (UDHR);
- v. The 1966 International Covenant on Civil and Political Rights (ICCPR);

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- vi. The 1981 United Nations Convention on the Elimination of all forms of Discrimination against Women (CEDAW); and
- vii. The 2008 United Nations Convention on the Right of Persons Living with Disabilities.

INSPIRED by the 2005 Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers; the 2003 Principles for Election Management, Monitoring and Observation in the Southern African Development Community Region (SADC- ECF/EISA) and the 2003 SADC Principles and Guidelines Governing Democratic Elections.

DETERMINED to enhance democracy, rule of law and good governance which are essential for sustainable political, social and economic development of the East African region;

DEDICATED to developing *Principles for Election Observation and Evaluation* that aim at establishing a common standard, which the East African Community (EAC) and other stakeholders shall adhere to in ensuring the credibility and transparency of the electoral process and the legitimacy of electoral outcomes in all the Partner States

AGREE AND ENDORSE THE FOLLOWING *The EAC Principles for Election Observation and Evaluation* and accompanying annexes – *Guidelines for EAC Election Observation Missions, EAC Code of Conduct for Election Observers* and the EAC approach and methodology for electoral support;

AGREE AS FOLLOWS:

PART 1. GUIDING PRINCIPLES FOR DEMOCRATIC ELECTIONS

1. Credible elections¹ are essential for democratic governance as well as inclusive and sustainable development, peace and political stability.
2. Democratic elections represent the free expression of the will of the people, which serves as the basis for the legitimacy, and authority of government. The rights of citizens to vote and be elected are internationally recognised human rights.
3. Regular and periodic, peaceful, inclusive and transparent multiparty elections shall be based on universal and equal suffrage and secret ballot.²

¹ In this document 'elections' also refers to 'referenda.'

² However, secrecy of the ballot may not apply for civic elections in some Partner States.

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PART 2. CONDITIONS FOR DEMOCRATIC ELECTIONS

4. Election observation can be useful and feasible only if the minimum conditions for the conduct of democratic elections are present. Basic minimum conditions for democratic elections include the following factors:
- i. Comprehensive constitutional and legal framework;
 - ii. Universal adult suffrage based on secret ballot;
 - iii. Existence of an independent and impartial Election Management Body equipped with adequate human and financial resources;
 - iv. Political parties³ and candidates that enjoy legitimate right to participate;
 - v. Freedom of expression, freedom of movement, and freedom of assembly, among others;
 - vi. Fair and equitable access to the state / public media by contesting parties and candidates; balanced and accurate reporting by all media including private media through a legally enforceable code of conduct;
 - vii. Existence of adequate space for popular participation and inclusive politics;
 - viii. Independent and adequate mechanism to prevent and manage election-related conflicts.
5. Throughout the electoral cycle, the following specific principles are recommended:

Pre-Electoral Period

- i. *Adaption of Adequate Legal Framework to Guarantee EMB Independence and Credibility:* EMB has adequate funding to carry out its mandate in a credible and sustainable manner, and EMB staff is competent and gender balanced.
- ii. *Application of Clear Criteria for Constituency Boundary Delimitations:* an independent and impartial body that is representative of the society, comprising persons with the appropriate skills, manages the boundaries delimitation process. It is conducted on the basis of clearly identified criteria such as population distribution, community of interest, convenience, geographical features and other natural or administrative boundaries. The delimitation process is made accessible to the public through a consultation process and is devoid of manipulation of electoral boundaries

³ In this document reference to 'political parties' also refers to 'political organisations.'

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to favour particular groups or political interests. The boundary delimitation process is conducted by one body, but includes all spheres of government, both national and local.

- iii. *Accreditation of Election Observers:* All observers, both national and international, must be accredited by the competent Election Management Body according to pre-established procedures.
- iv. *Non-Discrimination in Voter Registration:* Voter registration is continuous, accessible, promotes broad participation, does not inhibit eligible voters and is open for monitoring of the process by stakeholders. Registration is based on: citizenship, legal age for voting, residency requirements (where applicable), and any other reasonable grounds for qualification. Sufficient time is allocated for eligible voters to register, public inspection and where applicable independent audit of the voter register and eventual objections and adjudication of appeals.
- v. *Functioning of Political Parties that will participate in the electoral process:* There is commitment to multiparty democracy with a broad representation of diverse political interests and participation of key actors. A register of political parties is established and maintained and qualifications and disqualifications for registration and appeals mechanisms are clearly provided for in the law. There is promotion of a culture of intra-party democracy to ensure accountability, inclusive politics, and representation of women, youth, persons with disability and other marginalised groups, and a transparent candidate nomination process, including possibility for objections and resolution of disputes, and the conduct of free and fair primary elections by political parties.
- vi. *Access for Political Party Agents:* Political parties, coalitions and candidates have a vested interest in the electoral process and have the right to field their agents or poll watchers at any stage during the electoral cycle and especially during all the steps of the electoral operations period around and including Election Day.
- vii. *Financing for Political Parties:* Political parties and independent candidates that can demonstrate specific pre-determined criteria shall receive public funding on the basis of an agreed formula that is legislated. Political parties and candidates account to an independent authority as established by national laws in some instances, for the use of both public and private resources through a post-election audit of revenues and expenses. The financing of political parties and candidates including campaign expenses shall be regulated by law.
- viii. *Sufficient Period for Campaigning:* A reasonable time is allotted for parties and candidates to carry out their election campaigns. Political parties and candidates' behaviour is governed by law and a code of conduct, which is legally enforceable.

 
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- ix. *Fair and Equitable Access to Public/State Media:* All contesting parties and candidates have fair and equitable access to the media especially the public/state media. Media regulations are issued by relevant regulatory authorities responsible for monitoring and regulating the media.
- x. The coverage of elections by the media, both private and public/state, is subjected to a code of conduct designed to promote fair and balanced reporting.
- xi. *Freedom from Political Violence and Intimidation:* A culture of peace and tolerance among all electoral stakeholders prevails throughout the electoral process. An enforceable code of conduct regulates the behaviour of political parties, candidates and their supporters.
- xii. *Neutral Role of Security Forces and other Law Enforcement Agencies:* Security forces and other law enforcement agencies maintain a neutral role in the provision of security during elections.
- xiii. Special provision is made for election officials, local election observers, healthcare professionals, media, prisoners, security forces and other law enforcement agencies to facilitate their vote on or prior to polling day.
- xiv. Efforts should be made to ensure enfranchisement of the people in diaspora,
- xv. *Prioritisation of Civic and Voter Education:* Civic and voter education is properly coordinated and given high priority in the EAC region throughout the electoral cycle, and citizens of the EAC region are engaged in civic and voter education in order to promote their effective participation in elections. There is government commitment to fund civic and voter education. Rural voters and special groups, women, youth, persons with disabilities, internally displaced people, and vulnerable and marginalised groups, are given special attention. While voter education is the responsibility of the EMB, civic education is the responsibility of government through a specialised agency, civil society organisations and even political parties.

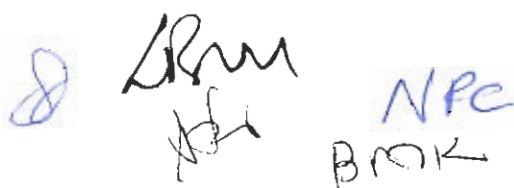
Electoral Period

- i. *Secrecy of the Ballot:* Voting stations are laid out in such a way as to ensure secrecy of the ballot. Appropriate procedures are in place for persons requiring assistance, and in as far as possible the secrecy of their vote is ensured. Every precaution is taken to ensure that it is impossible to match cast ballots with the identity of individual voters.
- ii. *Appropriate Selection of Polling Stations and Election Officials:* Polling stations are identified and situated in venues that are accessible to all voters, especially the

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elderly and persons with disabilities. There are as many polling stations as population density, geographical conditions and settlement patterns demand, to ensure easier access, minimise waiting and enhance efficiency. Public buildings such as schools are given priority as polling stations, and if necessary mobile polling stations may be used. Election officials are recruited in a non-partisan, inclusive, gender sensitive and transparent manner by the EMB and receive training well in advance of polling day.

- iii. *Quality of Election Materials:* Election materials refers to non-sensitive/generic materials such as voting booths, forms and stationery and sensitive/non generic materials such as ballot papers, voter register and indelible ink. Ballot papers are designed and printed under the management of the EMB in conditions of strict security. In each Partner State, the design of election materials are standardised and can be easily used and understood by voters. All efforts are made to design election materials that are accessible to persons with disabilities, including the visually impaired and those with hearing impairments. Election materials are procured in a transparent manner.
- iv. *Smooth Voting Process:* The polling station layout provides for a smooth processing of voters and ensures secrecy of the vote. There are clearly established procedures for the opening and closing of polling stations and that the same are strictly observed. There may be fixed and mobile polling stations, as long as these are pre-determined and well publicised. There is a maximum number of registered voters per polling station and the number of voters is publicly posted at each polling station. Priority queuing and voting is given to vulnerable groups such as persons with disabilities, expectant mothers, the infirm and the elderly. Appropriate measures are put in place to prevent multiple voting.
- v. *Conditions and Procedures for Counting and Tallying of Votes:* The EMB retains overall responsibility for management of the counting and tallying process. Procedures for counting, tallying of votes and complaints are well established and known to election officials, and other stakeholders. The counting process takes place in the polling station immediately after the close of voting and proceeds without delay until completed. There is adequate lighting, communication systems and security. Where applicable, party agents or agents of independent candidates sign the results sheets. When the counting process is completed, the results are immediately and conspicuously displayed outside the polling station. The transmission procedures for results are pre-established and made known to all stakeholders.
- vi. *Timely Announcement and Declaration of Provisional and Final Election Results:* The electoral legislation establishes a specific time frame within which results must



be announced. Electoral legislation indicates clearly who has the authority to formally declare the results. When the tallying process is completed, the results are announced in accordance with the legislation. EMBs adopt a secure, speedy and efficient mode of transmitting results. Tallying and announcing centres are established in all constituencies and their locations are made known to the public in advance. Results from the tallying centres are announced publicly and adequate security measures are in place at the venue where results are announced.

- vii. *Monitoring and observation of the electoral process by stakeholders:* Political parties and candidates, through their agents, and also observers (both domestic and international) are given adequate information and space to observe each stage of the electoral process; party agents or poll watchers are trained to effectively monitor the electoral process.
- viii. *Responsible media conduct in relation to the announcement of election results:* Media outlets, both public/state and private, shall act responsibly in their announcement of provisional election results. During electoral periods media should be subject to a code of conduct.

Post-Electoral Period

- i. *Acceptance of Results:* Partner States work toward fostering a culture of acceptance of election results. Governments, EMBs and all other relevant stakeholders work with citizens through comprehensive, sustained and continuous civic education and promotion of a transparent electoral process. Concerted efforts at institution-building can strengthen public trust and confidence in the electoral process. Similarly, acceptance of election results is contingent upon the perceived integrity and credibility of the electoral process.
- ii. *Clear Provisions for Post-Election Disputes:* When post-election disputes arise, Partner States ensure the right to an effective remedy, with clear legal provisions for dispute resolution in relation to elections results and other matters related to the conduct of elections. Fair and impartial resolution of election-related disputes, with sufficiently flexible legal frameworks on petitions to accommodate alternative dispute resolution mechanisms are in place. The time between declaring results and swearing in of winner(s) takes into account the provisions in the National Constitutions of Partner States.



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- iii. *Post-election review:* Partner States ensure that post-election participatory reviews are carried out on a regular basis; this could be facilitated by the EMB, civil society or other relevant institution.

PART 3. PRE-ELECTION ASSESSMENT

6. The EAC shall deploy a Pre-Election Assessment Team (PEAT) to a host country prior to deployment of either an Election Observation and/or Evaluation Mission, and to advise the EAC on the planning and implementation of such a mission.
7. The PEAT shall compile a comprehensive checklist defining the scope of their assessment of the electoral process. The Mission should strive to cover the broad range of electoral activities using the electoral cycle approach.
8. The PEAT shall seek to interact and consult with all the actors and stakeholders in the electoral process, including the EMB, media, political parties, civil society organisations and security forces.
9. The PEAT shall submit its assessment reports to EAC within seven days after the close of the mission. Such reports will help EAC to formulate an engagement strategy with the host country. In a conflict environment, such reports can serve as an early warning mechanism.
10. The PEAT shall be composed of the Chairpersons of Partner State EMB, representatives from human rights commissions, Registrar of political parties, other relevant agencies of the Partner States and officials from the EAC Secretariat. The PEAT will be chaired according to the EAC Rules of Procedure. In the event that the Chair of EAC Meetings is the host country, one of the Chairpersons of the National Electoral Commissions of the other Partner States to lead the Team.

PART 4. SCOPE OF ELECTION OBSERVATION MISSIONS (EAC EOMs)

- II. International election observation is the:
- i. Systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment⁴;
 - ii. Impartial and professional analysis of such information; and

⁴ Declaration of International Principles for Election Observation



- iii. Drawing of findings, conclusions and recommendations about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis.
12. Election observation and evaluation can act as a good confidence-building measure and an opportunity to improve the quality and credibility of elections. Election Observation and evaluation often plays a pivotal role in mitigating conflicts as they have the potential to reduce tensions and minimise instances of intimidation and violence throughout the election cycle. Election observation has the capacity to deter and expose electoral irregularities and promote confidence of both contestants and the electorate in the integrity of the democratic process, reinforcing the legitimacy and authority of the newly elected government.
13. EAC Election Observers shall seek to determine whether the electoral environment is conducive to democratic elections and may make recommendations for reform and improvement.
14. Election observation shall adopt the electoral cycle approach that covers three main segments of the electoral cycle, i.e., the pre-electoral or preparations period, electoral or operations period and post-electoral or reform period.
15. EAC Election Observation Missions (EOMs) may bring irregularities to the attention of electoral authorities but have no right to intervene in any material way in the electoral process.
16. EAC EOMs shall conduct their work with respect for the sovereignty, institutions and laws of the country holding elections and with respect for the human rights of the people of the country.
17. EAC EOMs shall undertake their work without favour and prejudices against any person or organisation, which has a stake and interest in the electoral process, and shall be independent, impartial and non-partisan in the execution of their observation mandate.
18. EAC EOMs shall take any or a combination of any of the following forms such as Pre-Election Assessment Missions (PEAMs), Short Term Missions, Long Term Missions, or Election Expert Missions that are mandated to make an initial assessment of the election environment, assessing the level of preparedness of the Election Management Body, legal framework, political situation and security context.
19. EAC EOMs shall issue timely, accurate and impartial statements to the public, the Election Management Body and the relevant government ministries in the host country. Statements may be made within two days after polling day and being determined by the Head of the Mission and normally include interim or preliminary statements and a more comprehensive final report to present findings, conclusions and recommendations. The final report of the Mission shall be submitted to the Secretary General within two weeks after the end of the

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Mission. The EAC may, where the circumstances support the objectives of the mission, issue joint statements with other international observer missions.

20. The synergies between election observation and election support (technical assistance) become key in the post-electoral period. In the immediate post-election period, election observation recommendations shall be setting the agenda of the next cycle of electoral assistance in a spirit of partnership and cooperation with institutions of the Partner State.
21. EAC Election Observation Missions commit to:
 - i. Familiarise all observers with the principles of accuracy of information and political impartiality in making judgments and conclusions;
 - ii. Provide a terms of reference or similar document, explaining the purposes of the mission;
 - iii. Provide information concerning relevant national laws and regulations, the general political environment and other matters, including those that relate to the security and well being of observers;
 - iv. Ensure all observers are instructed about EAC methodology for election observation;
 - v. Require all observers, from heads of mission to short term observers, to read and pledge to abide by the EAC Code of Conduct for Election Observers.

PART 5. ELECTION EVALUATION

22. The EAC may deploy an Election Evaluation Mission (EEM) to assess a specific aspect of the electoral process, for example, legal reform, constituency boundary delimitation, voter registration, balloting, tabulation and announcement of results, or post-election transition management.
23. EAC Election Evaluation Missions may also be deployed at any time during the election cycle: pre-electoral, electoral or post-electoral period. Where circumstances require special interventions by the regional organisation to restore public confidence in the integrity and legitimacy of the electoral process.
24. EAC EEM shall be deployed following consultation with relevant national actors in the Partner States including the Election Management Body and/or relevant Ministry, Department or Agency.
25. An EAC EEM shall submit its reports to the EAC policy making organ for consideration.

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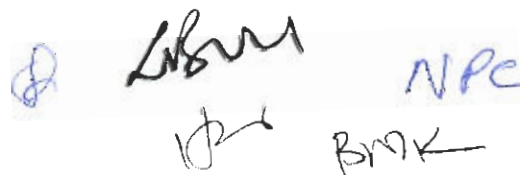
PART 6. POST-ELECTION PARTICIPATORY REVIEW

26. EAC shall hold a post-election participatory review after a Partner State has conducted general elections with a view to evaluating the findings, conclusions and recommendations of the EAC Election Observation Mission.
27. The objective of a post-election review is to promote peer learning through identifying best practices and areas that require electoral reforms.
28. The EAC Forum of Electoral Commissions will spearhead the post-election review.

PART 7. COMPOSITION OF EAC ELECTION OBSERVATION MISSIONS

29. EAC Election Observation Missions shall be composed of East African citizens who are nationals of EAC Partner States other than the one to which they are being deployed as observers.
30. EAC EOMs shall be composed of EAC citizens with relevant experience and professional skills to enable them to provide a thoughtful and comprehensive assessment of the electoral process.
31. Mission members shall have, *inter alia*, backgrounds or expertise in electoral processes, human rights, knowledge of EAC integration, comparative election law, technical capacities, and political or country-specific knowledge.
32. EAC Election Observers shall be drawn on equitable basis from representatives of the Electoral Management Bodies (EMBs), the East African Legislative Assembly (EALA), the EAC Secretariat, EAC Ministries, National Human Rights Institutions, Civil Society Organisations or other relevant institutions in the EAC region.
33. EAC EOMs will endeavour to include women, youth, persons with disabilities and others from marginalised groups. The selection process for mission members shall take into consideration the need to strive for gender balance and equal representation from Partner States.
34. The Leader of the EAC EOM shall be an eminent personality who is a national of an EAC Partner State.
35. EAC EOMs shall be led by a Head of Mission (HoM), Deputy Head of Mission (DHoM), Long Term Observers (LTOs),⁵ Short Term Observers (STOs)⁶ and a support team from the

⁵ Long term should be based on the activities on the electoral calendar depending on availability of resources but should not be more than 45 days in the electoral cycle.

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EAC Secretariat. The DHoM shall head the mission in the absence of the Head of Mission (HoM). The DHoM shall have sound technical knowledge of elections. The DHoM and LTOs shall be the first members of the EOM to be deployed. LTOs shall have different and complimentary areas of electoral expertise and shall be responsible for initial analysis of the level of preparedness of the EMB. LTOs shall undertake logistic arrangements to prepare for and facilitate the arrival of Short Term Observers (STOs), who normally in country a few days before Election Day.

36. The EAC Short Term Observer Mission will take a period not exceeding 14 days while the Long Term Observer Mission will be based on specific activities on the electoral calendar that the Mission decides to assess and depending on availability of resources but should not be more than 3 months within the electoral cycle.

PART 8. MINIMUM CONDITIONS FOR DEPLOYMENT OF AN EAC EOM

37. Partner States are obliged to guarantee the following minimum basic conditions in order to facilitate EAC Election Observation Missions:
- i. Unimpeded access to all stages of the electoral process;
 - ii. Unimpeded access to all stakeholders in the electoral process, including representatives from the various levels of the electoral authorities, political parties, legislative bodies, security forces, media and civil society organisations;
 - iii. Freedom of movement around the country for EAC Mission;
 - iv. Freedom to issue statements, and reports in relation to findings, conclusions and recommendations about the electoral process;
 - v. Full, country-wide accreditation for all official mission members;
 - vi. No unreasonable interference by government, security or electoral authorities' representatives in the carrying out of observation activities, including freedom from undue pressures, threats, or other coercive action.

PART 9. ELECTION OBSERVATION – ASSESSMENT CRITERIA

38. When assessing the credibility of an election and legitimacy of its outcome, EAC observers consider all relevant factors affecting the electoral process, including the following key elements:

⁶ Short term refers to a period of approximately fourteen days.



- i. Degree of impartiality, independence, competence and efficiency shown by the Election Management Body (EMB);
- ii. Degree of freedom of political parties, alliances and candidates to organise, associate, assemble and express their views publicly;
- iii. Possibility for peaceful election campaigns;
- iv. Freedom for voters to attend campaign meetings and rallies without fear of intimidation, coercion and violence;
- v. Absence of bribery and/or vote buying;
- vi. Fairness of access to state resources made available for the elections; public resources are not abused by government officials;
- vii. Freedom of the press;
- viii. Fairness of access for political parties, alliances and candidates to the media, in particular the state media;
- ix. Registration of voters carried out transparently and without discrimination on the basis of gender, race or ethnic origin: Voter Register is reliable, accurate and up-to-date;
- x. Adequate provision of voter and civic education;
- xi. Conduct of polling and counting of votes as described in the electoral law;
- xii. Secrecy of the ballot;
- xiii. Neutrality of the security apparatus in electoral process as prescribed by law;
- xiv. Inclusiveness of the electoral process, including participation of women, youth, people with disabilities, Diaspora voters;
- xv. Any other issue that concerns the credibility and quality of the election.

PART 10. RESPONSIBILITIES OF PARTNER STATES

39. The EAC shall have a standing invitation to observe elections in any Partner State. Nonetheless, Partner States shall keep the EAC advised and updated on their election calendars.

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40. In exchange for receiving an EAC Election Observation Mission, the host Election Management Body and Partner State shall endeavour to:
- i. Address the constraints and shortcomings highlighted by the EAC Election Observation Mission;
 - ii. Consider reports from the EAC in a timely manner with a view to facilitating conflict prevention and management processes;
 - iii. Consult with key electoral stakeholders to develop a code of conduct for election observers in line with regional and international commitments and those contained in this instrument;
 - iv. Ensure there are no unreasonable restrictions for international, regional or national election observer accreditation, and to facilitate the accreditation process.
 - v. No unreasonable interference by government, security or electoral authorities' representatives in the carrying out of observation activities, including freedom from undue pressures, threats, or other coercive action.
41. The findings, conclusions and recommendations of all EAC EOMs and EEMs shall be reviewed during the annual EAC Forum of Election Commissions as this presents a unique opportunity for promoting peer-learning and exploring mechanisms for strengthening the collaborative activities of EMBs in the EAC region.
42. The EAC Council of Ministers considers each EOM and EEM report and subsequently submits it to the host Partner State with a request to address the conclusions, findings and recommendations contained therein.

PART 11. COORDINATION OF ELECTORAL ACTIVITIES

43. The implementation of the Principles contained herein will be undertaken by the Political Affairs Department of the EAC Secretariat to coordinate the EAC Election Observation, Evaluation and Electoral Support mandate.
44. Partner States endorsing this *EAC Principles for Election Observation and Evaluation* and the accompanying *Guidelines for EAC Election Observation Missions* and *EAC Code of Conduct for Election Observers* commit to following the spirit of these Principles and the terms outlined in the Guidelines and Code of Conduct.

  
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ANNEX I

1.0 GUIDELINES FOR EAC ELECTION OBSERVATION MISSIONS

These *Guidelines for EAC Election Observation Missions* have the objective of promoting a culture of credible and peaceful elections and constructive management of election-related disputes in the region through observation as a tool for strengthening the foundations of democratic governance.

2.0 THE EAC AND ELECTION OBSERVATION

EAC Election Observation holds an important role in strengthening regional democratic institutions and promoting genuine democratic elections in the East African Community. In recognising the Community's motto, 'one people one destiny,' Partner States appreciate the findings, conclusions and recommendations of EAC Election Observation Missions that will contribute to:

- i. Enhancing public confidence in the electoral processes;
- ii. Encouraging EMBs to be independent and maintain a good reputation;
- iii. Promoting accountability and transparency;
- iv. Easing political tensions;
- v. Deterring improper practices;
- vi. Enhancing credibility of the electoral process;
- vii. Assessing the legitimacy of the electoral outcome in accordance with the national laws and international commitments; and
- viii. Mitigating potential electoral related conflicts.

3.0 ELECTION OBSERVATION METHODOLOGY

In preparation for an election observation mission, the EAC shall be guided by the following procedures:

- i. Obtain an election calendar from EMB, outlining the activities in the electoral process;



- ii. Timely initiation of preparation activities for election observation;
- iii. Timely request of observers' accreditations from EMB in host country;
- iv. If a Pre-Election Assessment Mission was not deployed, commence information gathering about the electoral process;
- v. Ideally, arrival in-country within reasonable time depending on the nature of the mission (Short Term, Long Term, etc.);
- vi. The Mission Secretariat shall be deployed in advance before the arrival of the full mission;
- vii. The Mission Secretariat shall prepare an observer deployment plan and undertake logistical arrangement to facilitate the arrival of observers;
- viii. A comprehensive checklist will be used by observers in gathering information on the electoral process during the elections;
- ix. Upon arrival in the country, a pre-deployment briefing under refresher training will be conducted for the observers. The EAC will issue an arrival launch statement indicating its composition mandate and *modus operandi*.
- x. Once deployed, observers will consult with all electoral stakeholders in the field.
- xi. Familiarise with the polling stations and electoral officers.

As much as possible, the EAC will embrace an electoral cycle approach in the conduct of the election observation comprising of pre-election, election and post-election period.

The EOM shall be led by a Head of Mission, who is usually a high profile political or diplomatic figure from the EAC region.

A Deputy Head of Mission (DHoM), possessing sound technical knowledge of electoral processes, shall be in-country for the duration of the mission and shall work closely with observers.

Meeting Election Officials

Regular meetings are held with election officials at the national, regional and local levels, and with political parties, candidates, civil society and media throughout the country.

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Reporting

Two days after the election, the Head of the EAC EOM issues a preliminary statement. This statement is based on the assessment on the electoral process based on information from consultation, first hand observation and what is contained media.

The Final report is a more in-depth assessment of the electoral process which is prepared and delivered within forty five days of the election. The report does not declare the elections as either valid or invalid; rather it gives particulars of the process as observed, pointing out irregularities, shortcomings, strengths and challenges. The final report offers a series of recommendations for improvements to the overall electoral process and democratic environment. EAC EOM final reports are submitted to the EAC Secretary General and distributed to all Partner State EMBs and other key stakeholders.

Code of Conduct Violations

All EAC observers are bound by the *EAC Code of Conduct for Election Observers*. In case of concern about possible code of conduct violations, the Head of the EAC EOM shall conduct a fair inquiry into the matter, in consultation with the EAC Secretariat election team. If a serious violation is found to have occurred, the observer concerned may have their accreditation withdrawn and be dismissed from the EAC EOM. The authority for such decisions rests with the Head of Mission and the EAC Secretariat election team.

Professional Working Environment

The *EAC Code of Conduct for Election Observers* focuses on observers' conduct and behaviour while in the host country. Beyond the stipulations of the code of conduct, however, all EAC observers are expected at all times to contribute to a professional working environment that is free from intimidation or harassment, including sexual harassment. Special care shall be taken to ensure that national staff members are protected from harassment. EAC EOMs shall designate a focal point to whom staff members may bring any concerns in regard to the professional working environment.

EAC observers shall conduct themselves in a manner, which respects citizens and officials of host country. In view of the need for EAC EOMs to maintain the highest level of private and public conduct, EAC observers shall not patronise any establishment where victims of trafficking may be employed. Likewise, in accordance with the provisions of the *EAC Code of Conduct for Election Observers*, which requires observers to 'maintain the highest level of personal discretion and behave blamelessly, exercising sound judgement at all times during the mission,' for example abuse of alcohol, use of drugs, and use of prostitutes is prohibited.

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The image shows several handwritten signatures and initials in blue ink. On the left is a stylized signature. In the center, there are initials that appear to be 'LBN' with a checkmark below them. On the right, there are initials 'NRC' and 'BMTK' written below them.

ANNEX II

4.0 EAC CODE OF CONDUCT FOR ELECTION OBSERVERS

International election observation, conducted by intergovernmental and international non-governmental organisations, is widely accepted worldwide to provide an impartial and accurate assessment of electoral processes for the benefit of recipient countries and the international community. The challenge which most election observer missions face is how to enhance their credibility through robust and rigorous assessment methodologies, which are based on sound principles and normative frameworks. East African Community (EAC) election observers are guided in their observation activities by the *EAC Principles for Election Observation and Evaluation* and the accompanying *Guidelines for EAC Election Observation Missions* and the *EAC Code of Conduct for Election Observers*. These documents work in tandem to ensure the integrity of EAC election observation activities, and especially the conduct of all members of EAC election missions, from heads of mission to short term observers.

Given the high visibility of international election observers, a code of conduct works towards ensuring the behaviour of observers is consistent with the goals and aims of the mission. The code of conduct also reflects upon and delineates the rights and obligations of observers, ensuring they have appropriate conditions to carry out their duties and that they do so in a manner that is consistent with respect for national laws and international commitments governing genuine democratic elections.

All participants in an EAC Election Observation Mission must subscribe to and follow this Code of Conduct for EAC Election Observers:

- i. Observers shall respect the sovereignty of the host country and internationally recognised human rights;
- ii. Observers shall comply with all national laws and regulations. Observers enjoy no special immunities;
- iii. Observers shall follow all instructions as issued by the leadership of the mission, carry out their written terms of reference and undertake their observation duties in a conscientious manner;
- iv. Observers shall maintain strict impartiality in the conduct of their duties and at no time express any bias or preference in relation to national authorities, parties, candidates or reference to any issues in contention in the election process;
- v. Observers shall not display or wear any partisan symbols, colours or banners;

Handwritten signatures and initials in blue ink. From left to right: a stylized signature, the letters 'LBM' with a small mark below, and the letters 'NPC' with 'BROK' written below it.

- vi. Observers shall neither accept nor attempt to procure any gifts, favours or inducements from a candidate, their agent, the parties or any other organisation or person involved in the electoral process;
- vii. Observers shall disclose any relationship that may lead to a conflict of interest with their duties or with the process of the observation and assessment of the elections;
- viii. Observers shall base all reports and conclusions on well documented, factual, and verifiable information from credible sources as well as their own eye witness accounts;
- ix. Observers shall refrain from making personal or premature comments to the public or the media before the official mission's position is declared public;
- x. Observers shall, in treating any allegation as valid, seek a response from the person or organisation concerned;
- xi. Observers shall endeavour to draw the attention of the local election officials to any irregularities identified, but shall not give instructions or countermand decisions of the election officials;
- xii. Observers shall carry the prescribed identification issued by the EMB at all times;
- xiii. Observers shall undertake their duties in an unobtrusive manner and shall not interfere with the election process, polling day procedures, or the vote count;
- xiv. Observers shall not put their signature to any official documents unless instructed to do so by the EAC Head of Mission.
- xv. Observers shall maintain the highest level of personal discretion and behave blamelessly, exercising sound judgement at all times during the mission, including during personal leisure time;
- xvi. Observers shall participate in all briefings and any debriefings as required by the mission;
- xvii. Observers shall provide timely interim reports to their supervisors; and
- xviii. Observers shall pledge to comply with this *EAC Code of Conduct for Election Observers*.



PLEDGE TO COMPLY WITH THE EAC CODE OF CONDUCT FOR ELECTION OBSERVERS

I _____ being a member of the EAC EOM confirm that:

I have read and understood the *EAC Code of Conduct for Observers* that was provided to me by the EAC Election Observation Mission. I hereby pledge that I shall follow the Code of Conduct and that all my activities as an election observer shall be completely in accordance with it. I have no conflict of interest, political, economic nor other, that shall interfere with my ability to be an impartial election observer and to follow the Code of Conduct

I shall maintain strict impartiality at all times. I shall make my judgments based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I shall base all my conclusions on factual and verifiable evidence.

I shall not obstruct the election process. I shall respect national laws and the authority of election officials and shall maintain a respectful attitude toward electoral and other national authorities. I shall respect and promote the human rights and fundamental freedoms of the people of the country. I shall maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I shall protect the integrity and follow the instructions of the EAC Election Observation Mission. I shall attend all briefings, trainings and de-briefings required by the election observation mission and shall cooperate in the production of its statements and reports as requested. I shall refrain from making personal comments, observations or conclusions to the news media or public before the election observer mission makes a statement, unless specifically instructed otherwise by the observation mission leadership.

Name	
Signature	
Date	
Witness (Authorized EAC Official)	

East African Community Secretariat, Arusha, Tanzania, November , 2012.

Handwritten notes in blue ink: "APC" and "Bmk" with a checkmark and the number "21" to the right.