

## **Terms of Reference for Deputy Chief Observer of the EU Election Observation Mission to Kenya 2022**

*General elections, 9 August 2022*

### **Preliminary remarks**

*European Union Election Observation Missions (EU EOMs) are independent in their findings and conclusions, but must, at all times, adhere to the standard EU methodology for election observation in both, political/electoral and implementation/security matters, as outlined in the “Handbook for European Union Election Observation.”<sup>1</sup> EU EOMs must follow standard guidelines as specified by the European External Action Service (EEAS) and the European Commission Service for Foreign Policy Instruments (FPI).*

*All EU EOM members must follow the EU Code of Conduct for election observation and its ethical aspects, as well as adhere to the UN “Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers”.<sup>2</sup>*

*These Terms of Reference provide a general and provisional overview of the requested job profile that is subject to changes due to evolving context of elections. A detailed and final description of the profile and responsibilities of the Deputy Chief Observer (DCO) will be provided in the contract signed between the FPI and DCO in her/his quality of Special Advisor to the FPI.<sup>3</sup>*

The working and reporting language of the EU EOM will be English.

### **DEPUTY CHIEF OBSERVER**

The Chief Observer (CO) assumes overall responsibility for the EU EOM. S/he is appointed directly by the High Representative/Vice President. The CO’s duties, tasks and responsibilities are detailed in the annex attached to her/his contract.

The role of the Deputy Chief Observer (DCO) is to assist the CO in the conduct of the EU EOM and in managing all members of the EU EOM. The DCO will cooperate and communicate closely with the Service Provider, so that both entities can operate smoothly and jointly in line with the overall objective of the EU EOM. The DCO also replaces the CO whenever absent, including in the diplomatic and media/social media contacts, essential to the functioning of the EU EOM. It is the DCO’s responsibility to ensure that all EU EOM members cooperate in the spirit of collegiality. In the absence of the CO, the DCO will act as

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<sup>1</sup> [https://eeas.europa.eu/sites/eeas/files/handbook\\_for\\_eu\\_eom\\_2016.pdf](https://eeas.europa.eu/sites/eeas/files/handbook_for_eu_eom_2016.pdf)

<sup>2</sup> [http://eeas.europa.eu/eueom/pdf/declaration-of-principles\\_en.pdf](http://eeas.europa.eu/eueom/pdf/declaration-of-principles_en.pdf)

<sup>3</sup> According to the dispositions set out in the Commission implementing decision of 29.10.2014 adopting the Implementing Arrangements for Election Observation Missions, C(2014) 7782 final.

principal spokesperson for the EU EOM. The DCO will be present in the field during the full duration of the EU EOM as well as its preparatory and winding-down phases.

The DCO acts as the principal advisor to the CO. Under the authority of the CO, the DCO has management responsibility for the political, analytical, methodological and outreach aspects of the EU EOM. The Service Provider will agree with the DCO the operational, security and administrative measures that need to be taken as regards the overall safety of the EU EOM, bearing in mind that the actual election observation is the key aim of the EU EOM. The DCO is also responsible for the coordination of all EU EOM members activities, including vis-à-vis staff made available by the Service Provider.

The DCO will keep the CO and EEAS (Global VMR.2) and European Commission (FPI.3) regularly informed about all aspects of the EU EOM.

S/he will:

**Manage political and methodological tasks:**

1. Ensure that the EU EOM adheres to the EU methodology for election observation, as outlined in the “Handbook for European Union Election Observation” and accompanying guidelines, as well as to the “Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers”, commemorated at the United Nations in October 2005. In particular, the DCO ensures that the EOM assesses the conduct of the election process in accordance with host country’s national laws, international and regional obligations and commitments for democratic elections.
2. Ensure that the EU EOM adheres to the Administrative Arrangement signed by the Delegation of the European Union with the government of host country and the host country’s Electoral Managing Body.
3. Understand the electoral framework and oversee identification of the main electoral and political issues.
4. Maintain regular communication and, when relevant, ensure co-ordination with domestic and international organisations involved in observing/monitoring the electoral process.
5. Meet regularly with election administration, political party leaders, political contestants, international organisations, government departments, other relevant state institutions and NGOs. Maintain regular contact with the EU Delegation and EU Member States in the host country.
6. Ensure gender mainstreaming and inclusion of EU EOM relevant political analysis in EU EOM reports, including in particular the assessment of political rights.
7. Inform the EEAS and FPI on important developments in between reporting cycles.

8. Ensure coordination with other International Observation organisations and with relevant domestic observation organisations.
9. Coordinate the preparation of interim reports on the election process and EU EOM activities, based on contributions from the Core Team and LTOs, using the standard format/template provided by EEAS and FPI. EEAS and FPI must be given an opportunity, in sufficient time (usually 48 hours), to provide comments on these reports. Final approval lies with the CO.
10. Coordinate the preparation of the EU EOM preliminary statement, based on the standard format/template provided by EEAS and FPI, which should be approved by the CO. The EEAS and FPI must be given an opportunity, in sufficient time (minimum one week before e-day for the first draft), to provide comments on the preliminary statement, which should be carefully considered before it is finalised. Final approval lies with the CO.
11. Coordinate, draft and edit the final report to be submitted by the Core Team according to the standard format/template provided and within the schedule agreed with EEAS and FPI. The DCO will also ensure that the state of play of the implementation of recommendations from the previous EOM (when applicable) is completed. The draft final report, including draft recommendations, should be made available at least 24h prior to the debriefing of the EU EOM upon its return. EEAS and FPI must be given an opportunity (over a one week period) to provide comments on the draft final report, which should be considered by the DCO before it is finalised. Final approval lies with the CO. The date for the final report delivery should be agreed during the debriefing of the EU EOM and should, where possible, be within 6 weeks of Core Team departure from the country of observation.
12. Undertake a return visit for an additional maximum ten days (not including traveling time) after the closure of the EU EOM. S/he will provide EEAS and FPI with a Mission report on the Return Visit and roundtable and information on the work undertaken with the EU Delegation on the preparation of the Plan for the Follow-up of the EU EOM recommendations (guidelines on reporting and templates will be provided).
13. Ensure that all reporting is of highest standard, both in terms of content and language, and based on EU EOM Core Team members and observers findings. A reporting and style guide for the Preliminary Statement and reports (including templates) will be provided during the pre-deployment briefing.
14. When relevant, ensure reliability and quality of the translation of the reports into other working languages of the EU EOM.

**Manage operational tasks:**

1. In the absence of the CO, assume the position of Acting CO and lead daily EU EOM activities, overlooking the work of the Core Team, Observers and Service Provider and providing guidance to their daily work.

2. Ensure a high visibility of the EU EOM, in close cooperation with the press officer and the rest of the Core Team and replacing the CO in visibility events when necessary. Provide EEAS and FPI with visibility material (videos, photos, tweets, including website content, etc) that can be used at EU headquarters level to enhance the visibility of the EU EOM outside the country where the EU EOM is deployed.
3. Oversee the work of all Core Team members, in particular:
  - Organise effective coordination and regular daily team meetings among Core Team members and the Service Provider;
  - Oversee the preparation of the deployment plan prepared by the Observer Coordinator and subsequent deployment of observers; ensure that the deployment plan be communicated to the Service Provider sufficiently in advance, in order to allow for all logistical and security measures to be taken in a timely manner;
  - Oversee preparation and conduct of briefing and training sessions for observers;
  - Oversee preparation of briefing materials and report forms for observers ensuring that observers are briefed on the EU, the EU foreign policy and in particular election support instruments and the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE);
  - Oversee media and social media relations and public outreach activities, including website and social media content.
4. Determine Core Team rules of procedure, which should include:
  - Rules for Core Team (meetings and other necessary rules) to ensure the effective flow of information among Core Team members and vis-à-vis observers (enhancing the need to ensure the flow of information is well coordinated);
  - Rules for interfacing with national authorities, election stakeholders (level of contacts, responsibilities etc.);
  - Internal deadlines for preparing weekly and preliminary reports, taking into account reporting guidelines;
  - Rules for establishing an operational plan for election day, ensuring smooth data flow to and from observers;
  - Rules for archiving main documents (what kind of information received must be recorded or which prepared/received documents must be retained);
  - Rules for daily coordination with the Service Provider and its staff.
  - Rules for the CT and observers' contacts with media and use of social media during the EU EOM.
5. Oversee the methodological and operational integration of locally recruited diplomatic STOs and of the MEP delegation into the EU EOM workflow.
6. Ensure co-ordination with the Service Provider (SP):
  - Organise effective coordination, smooth and collegial cooperation and regular team meetings between Core Team members and the SP;
  - Ensure daily briefings with SP on logistic and security aspects;
  - Inform the SP in timely manner about the day-to-day logistic needs for the proper conduct of the EU EOM;
  - Inform the SP in timely manner about the day-to-day appropriate security needs to ensure its proper functioning;

- Establish proper channels and procedures for communication of emergency situations with the SP;
  - Keep up to date with the preparation of logistic aspects by the SP (transport, accommodation, working facilities etc.);
  - In cooperation with the Observer Coordinator, liaise with the SP Logistics and Security experts on deployment plan and movements of the observers;
  - Attend the preparation of security/behavioural training tasked to the SP by the EC prior to observer deployment;
7. Ensure that all EU EOM members are fully aware of the EU EOM Code of Conduct and the Guidelines on the ethical aspects of the Code of Conduct and the consequence of failing to abide by them. The DCO presents the Guidelines as a separate point in the briefings of Observers (long-term and short-term) and appoints the two Core Team focal points for addressing any complaints. The Guidelines are also distributed to all Observers and it is requested to emphasise the point on harassment several times throughout the EU EOM. In case any problem arises (eg. harassment allegations, inappropriate behaviour) immediately inform FPI and EEAS.
  8. Ensure that all EU EOM members are fully aware of the applicable data protection framework and any personal data received during an EU EOM is handled in line with i) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, ii) the Privacy Statement on the Implementation of the European Union Election Observation Missions as well as iii) the clauses included in the letter of assignment.
  9. Oversee the observer evaluation process. Ensure that this is prepared in co-ordination with all Core Team members; co-sign the evaluations and certificates for observers together with the Observer Coordinator. Ensure that evaluations follow guidelines. Oversee the inclusion of evaluations in the roster by the Observer Coordinator.
  10. Provide record of performance of the Core Team experts in collaboration with the CO.
  11. Under CO responsibility, ensure that all measures are taken to ensure the security of EU EOM members. Decisions related to security must be taken in co-ordination with the SP, who is in charge of the security and logistical aspects of the EU EOM. Inform the Service Provider, FPI and EEAS immediately about any security issues to allow the SP to act and mitigate risks to the safety, health and security of EU EOM members. In close cooperation with the SP, plan and convene a security committee for responses to the incidents that might arise in the country. In case of disagreement between the DCO (under the authority of the CO) and the Service Provider, it is the DCO's responsibility to discuss the matter with the Service Provider's Project Manager in country and find a consensus based agreement.
  12. Ensure a good working relationship within the Core Team, with the Service Provider and with the locally recruited staff. In case of the disagreement between any member of the EU EOM, the DCO is called upon to moderate and to find a solution in the view of the EU EOM's overall objectives.

13. Provide a briefing on the EU EOM's modus operandi (including objectives, rules of procedures, staff rights and duties, data protection and the code of conduct including its ethical aspects) for locally recruited staff.
14. Ensure the smooth and timely circulation of information to FPI and EEAS.
15. Ensure that any requested modification to the Terms of Reference impacting the budget is notified immediately to the Service Provider and FPI for latter's final approval.
16. Provide FPI with complete LTO evaluations, as well as LTO End of Mission reports, both in line with Commission guidelines. Provide the FPI with a comprehensive synthesis of all evaluations, certificates and End of Mission reports before closure of the EU EOM.
17. Coordinate and draft, with the support of the Observer Coordinator and with the contribution of other Core Team members and Service Provider, and based on assessments by the observers, the final internal report, including feedback on each individual terms of reference, modus operandi of the EU EOM, lessons learnt and good practices, and suggestions for methodological improvements and information on possible areas of technical assistance. The final internal report should be approved by the CO and submitted to the FPI and EEAS prior to the debriefing.
18. Ensure, in coordination with the Core Team and the Service Provider, the effective closure of the EU EOM, including the archiving of main documents and donation of equipment in collaboration with the EU Delegation.
19. Perform any other duty required by the Chief Observer or FPI/EEAS for the good functioning of the EU EOM.
20. Be available for the briefings and debriefings of the EU EOM and the return visit and roundtable.