

Terms of Reference for Deputy Chief Observer of the EU EOM to Malawi

Tripartite Elections 21 May 2019

The present terms of reference offer selection criteria for the Deputy Chief Observer of the European Union Election Observation Mission to Malawi 2019. In addition to the Chief Observer and Deputy Chief Observer, the Core Team is composed of eight experts, whose individual terms of reference are outlined in the relevant Core Team Terms of Reference, published separately.

Preliminary remarks

- 1. The deployment of an EOM to Malawi will only be possible following a formal invitation by the Malawian authorities, the subsequent positive decision by the HR/VP to send a mission, and signed Administrative Arrangement.*
- 2. 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.”¹ EU EOMs must follow standard guidelines, models and practices as specified by the European External Action Service (EEAS) and the European Commission. All mission members must follow the EU Code of Conduct for election observation, as well as adhere to the UN “Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers”.²*
- 3. The Core Team is an essential component of EU EOMs. The respective roles and responsibilities of all retained experts, including the DCO, is a key element of a successful mission. All members of the Core Team, including the DCO, must be experienced in election observation or related activities, fluent in the working languages of the mission, and be able to work cooperatively in a team. Experience and training within EU missions and initiatives will be considered an asset.*
- 4. Please note that due to the evolving context of elections, the following Terms of Reference offer a general overview of the requested job profiles that is potentially subject to changes. The final version including the detailed description of the final profile and responsibilities of the DCO will be provided in the contract the DCO will be signing with the European Commission in her/his quality of Special Advisor to the European Commission.³*

¹ https://eeas.europa.eu/sites/eeas/files/handbook_for_eu_eom_2016.pdf

² http://eeas.europa.eu/eueom/pdf/declaration-of-principles_en.pdf

³ 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.

- 5. The DCO is required to participate in EU EOM briefings and debriefings organised by the EEAS and the European Commission. These activities are an integral part of the mission.*

The working and reporting language of the mission will be English.

Interim reports will be submitted in English

The final report will be submitted in English

CHIEF OBSERVER (CO)

The CO has the overall responsibility for the EU EOM. S/he is commissioned directly by the EEAS and the European Commission (EC). The CO's duties, tasks and responsibilities are detailed in the annex attached to her/his contract.

(1) DEPUTY CHIEF OBSERVER (DCO)

As a Special Adviser to the HR/VP, the role of the DCO is to assist the Chief Observer in the conduct of the EOM and in managing its core team. The DCO also replaces the Chief Observer whenever absent, including in the diplomatic and media contacts essential to the functioning of the EOM. The DCO will be present in the field during the full duration of the mission as well as its preparatory and winding-down phases.

The DCO acts as the principal political and technical advisor to the CO. Under the authority of the CO, the DCO has management responsibility for the political, analytical, methodological and visibility aspects of the EU EOM. The Service Provider will discuss major operational, security and administrative measures it intends to take with the DCO.

The DCO is also responsible for the coordination of all mission member activities, including vis-à-vis staff made available by the Service Provider. Under the authority of the CO, the DCO is responsible for the co-ordination and editing of final reports to be submitted by the Core Team to the European Commission and EEAS services according to the schedule agreed between CO, DCO and relevant EEAS and European Commission services. For the return visit, the DCO will be present in the country for an additional maximum ten days (not including traveling time) after the closure of the EOM. S/he will provide EEAS and European Commission services with a mission report on the return visit and roundtable, including information on the work undertaken with the EU Delegation on the preparation of the Plan for the Follow-up of the EOM recommendations (guidelines on reporting and templates will be provided).

The DCO will keep the CO, the EEAS and relevant European Commission services regularly informed about all aspects of the mission.

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 Malawian national laws, international obligations and commitments for democratic elections.
2. Ensure that the EU EOM adheres to the Administrative Arrangement signed by the European Union with the government of Malawi and the Malawi Election Commission (MEC).
3. Understand the electoral framework and oversee identification of the main electoral and political issues.
4. Ensure inclusion of EOM relevant political analysis in EU EOM reports, including in particular the assessment of political rights.
5. Ensure gender mainstreaming in EU EOM reports.
6. Maintain regular communication and, if possible, co-ordination with domestic and international organisations involved in observing/monitoring the electoral process.
7. Meet regularly with election administration, political party leaders, political contestants, international organisations, government departments, other relevant state institutions and NGOs as well as with EU Member States and the EU Delegation in the host country.
8. Coordinate the preparation of the EU EOM preliminary statement, based on the standard format/template provided by the COM services, which should be approved by the CO. The EEAS and European Commission must be given an opportunity, in sufficient time (minimum one week 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.
9. Inform the EEAS and the European Commission services on important developments in between reporting cycles.
10. 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 the EEAS and the European Commission services. The EEAS and European Commission services must be given an opportunity, in sufficient time (usually 48 hours), to provide comment on these reports, which should be carefully considered before they are finalised. Final approval lies with the CO.
11. Coordinate, draft and edit the EU EOM final report, based on the standard format/template provided by European Commission / EEAS services. The DCO is responsible for the collection of all CT member contributions and shall provide

Commission / EEAS services with a harmonised and coherent document as final draft, upon pre-agreed deadlines. Particular attention will be paid to follow-up recommendations drafted by the EOM, according to the template provided by the EEAS and the Commission services. The EEAS and European Commission services must be given an opportunity (over at least a two-week period) to provide comments on the draft final report, which should be carefully considered before it is finalised. Final approval lies with the CO. The date for final report delivery should be agreed during the debriefing of the Mission and should, where possible, be within two months of Core Team departure from the country of observation.

12. Ensure reliability and quality of the translation of the final report into other working languages of the mission.
13. Ensure the 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.
14. 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.

Manage operational tasks:

1. In the absence of the CO, assume position of Acting CO and lead daily EU EOM activities, including Core Team, Observers and Service Provider.
2. Ensure the high visibility of the mission not only in the country where the EOM is deployed but also preparing documents and/or products (videos, photos, tweets, etc) that can be used at EEAS headquarters level to enhance the visibility of the mission.
3. Oversee the work of all Core Team members, in particular:
 - Organise effective coordination and regular team meetings among Core Team members;
 - Oversee preparation and conduct of briefing and training sessions for observers;
 - Ensure that observers are briefed on the EU, the EU foreign policy and in particular, on election support instruments and the European Instrument for Democracy and Human Rights (EIDHR);
 - 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 European Instrument for Democracy and Human Rights (EIDHR);
 - 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 continuous media relations and public outreach activities, including website content. In the absence of the CO, act as principal spokesperson for the mission.
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, signature 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.
5. Oversee the methodological and operational integration of locally recruited diplomatic STOs, of associated observers from non-EU member states, and of the MEP delegation into the EU EOM workflow.
6. Ensure co-ordination with the Service Provider (SP)
- Organise effective coordination and regular team meetings between Core Team members and the SP;
 - Ensure daily briefings with SP on logistic and security aspects;
 - 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;
 - Address to the SP the day-to-day logistic needs for the proper conduct of the mission, and oversee its delivery according to the terms of contract;
 - Address to the SP the day-to-day appropriate security needs to ensure its proper functioning.
7. Ensure that all mission 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 Observers and Short Term Observers). The Guidelines are also distributed to all Observers and ongoing missions are requested to emphasise the point on harassment several times throughout the mission. In case any problem arises (eg. harassment allegations, inappropriate behaviour) immediately inform EC/EEAS.
8. 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 COM guidelines. Oversee the inclusion of evaluations in the roster by the Coordinator (the Observer Coordinator will sign a letter of confidentiality on the information obtained in the roster).

9. Provide record of performance of the Core Team experts in collaboration with the CO.
10. Under CO responsibility, ensure that all measures are taken to ensure the security of EU EOM members. Inform European Commission services and the EEAS in a timely manner about all security issues. Decisions related to security must be taken in a timely manner under CO responsibility, in co-ordination with the Service Provider, in charge of the security and logistical aspects of the mission, and in consultation with the European Commission services. Plan a security committee and possible responses to the type of incidents that might arise in the country. Convene the security committee if necessitated. In case of disagreement between the DCO (under the authority of the CO) and the Service Provider, the DCO (under the authority of the CO) and the Project Manager in country of the Service Provider shall discuss the matter in order to reach an agreement, and in case no agreement can be found, the CO and/or the Service Provider shall refer the matter to the European Commission (FPI.5), and inform the EEAS, and the European Commission shall contact the Service Provider in order to find a mutual agreement.
11. Ensure a good working relationship within the Core Team, with the Service Provider and with the locally recruited staff.
12. Provide a briefing on the mission's modus operandi (including objectives, rules of procedures, staff rights and duties, and etiquette) for locally recruited staff.
13. Ensure the smooth and timely circulation of information to European Commission and EEAS services.
14. Ensure that any requested modification to the Terms of Reference impacting the budget is notified in due time to the Service Provider and EEAS/European Commission services for final approval by the relevant European Commission services.
15. Provide the European Commission with complete LTO evaluations, as well as LTO End of Mission reports, both in line with Commission guidelines. Provide the Commission with a comprehensive synthesis of all evaluations, certificates and End of Mission reports before closure of the mission.
16. Coordinate and draft, with the support of the Observer Coordinator and with the contribution of other analysts, and based on assessments by the observers, the internal final report, including feedback on individual terms of reference for each analyst and for observers, modus operandi of the mission, 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 European Commission and EEAS services prior to the debriefing.
17. Ensure, in coordination with the Core Team and the Service Provider, the effective closure of the mission, including the archiving of main documents and donation of equipment in collaboration with the EU Delegation.

18. Perform any other duty required by the Chief Observer or Commission/EEAS services for the good functioning of the EU EOM.
19. Be available for the return visit and roundtable.