

Revised Commonwealth Guidelines for the Conduct of Election Observation in Member Countries

1 Introduction

- 1.1 The Commonwealth Charter recognises “the inalienable right of individuals to participate in democratic processes, in particular through free and fair elections in shaping the society in which they live”. The original Commonwealth Guidelines on election observation were agreed to by Heads at the 1991 CHOGM. Since then, the Commonwealth has deployed 137 observation missions to 38 of the organisation’s 53 member countries. During this period, election observation has become integral to the Secretariat’s work in advancing the Commonwealth’s political values and principles. However, since 1991 there have been many developments in the approach to election observation and in the conduct of elections.
- 1.2 These revised Commonwealth Guidelines for the Conduct of Election Observation adopt best practice, as also reflected in the Declaration of Principles on International Election Observation, and will ensure the on-going integrity, value and impact of Commonwealth observer missions as they continue to support the strengthening of electoral democracy and the political rights of Commonwealth citizens.

2 Establishing Commonwealth Observer Groups

- 2.1 Commonwealth election observation is only considered with the written invitation or welcome of a Government or the election management body. Such an invitation needs to be timely. The decision to deploy a Commonwealth Observer Group (COG) rests with the Secretary-General who will respond in writing.
- 2.2 In determining whether to deploy a COG the Secretary-General needs to be assured that the conditions for fair, credible and inclusive elections exist, cognisant of the terms of reference for a Commonwealth Observer Group, and there is a broad welcome for the presence of a Commonwealth team. COGs must also be assured of free access to relevant electoral processes and material, electoral actors and freedom of movement around a member country. Adverse security factors which may impact on observers may also be taken into account. A Secretariat pre-election assessment team is usually deployed some two to three months in advance of a prospective COG in order to verify these criteria.

3 Composition

- 3.1 COGs are independent, including of the Secretariat. Members of a COG are invited by the Secretary-General to be a part of the team and each member is invited in their personal capacity as an eminent Commonwealth citizen, not as a representative of any member country, government or political group. COGs are usually led by a senior political figure, often a former Head of State or former Head of Government, referred to as the Chair. In addition to the Chair, typically a COG will include current or former members of parliament, election officials, representatives of civil society, media, gender specialists, youth representatives and former members of the judiciary.
- 3.2 The size of a team will vary, depending largely on the size of the member country being observed. Team members are drawn from any Commonwealth member country except from the one being observed. To the extent possible, the team should reflect a broad range of regions of the Commonwealth and the diversity of member countries. COGs should be gender balanced. Gender balance should also be taken into account when selecting a Chair.
- 3.3 COGs are supported by a staff team from the Secretariat. The staff team will support the COG in all its activities and will also assist the COG with Commonwealth methodology and best international practice for election observation.

4 Terms of Reference

- 4.1 The role of a COG is to offer an independent, informed and impartial analysis of the electoral process, taking account of all factors which may impinge on the overall credibility of an election. The standard Terms of Reference are attached as Annex 1. A COG has no executive role and will not interfere in the electoral process. Commonwealth observers are required to abide by a code of conduct, in line with best international practice.
- 4.2 In conducting its analysis and in making their overall assessment, a COG will take account of, among other things: the inclusivity of voter registration; freedom of candidate nominations; freedom of the campaign; balance and tone of media coverage; participation rights for women, youth, minorities and persons with disability; neutrality of officials; integrity of voting and procedures; right of voters to cast a secret ballot; absence of violence and intimidation; integrity of the vote count; and results tabulation.
- 4.3 The COG is required to issue a public statement of preliminary findings and conclusions, as well as a Final Report, including recommendations. The COG may take into consideration issues raised by stakeholders in response to the preliminary statement, in its Final Report.

5 Good Offices

- 5.1 In the exceptional circumstance of a deteriorating political environment, and if invited by the host government and other political actors, the Secretary-General may request the COG Chair to undertake a Good Offices role.

6 Method of Working

- 6.1 A COG will usually be present for the final stages of the campaign through to the results process. During this period, the COG will receive a thorough briefing in the capital and will meet a broad range of relevant national stakeholders and others, including international observers and Commonwealth diplomats, prior to members of the COG being deployed across the member country to follow voting and counting in a representative array of regions.
- 6.2 The Commonwealth may also deploy a small number of advance members of the COG prior to the arrival of the main Group.
- 6.3 The Chair will issue a preliminary statement within 48 hours after polling, at a press event in the capital. In some circumstances, the Chair may choose to delay the issuing of the statement and may also decide to issue a second statement later as required. The Final Report of the COG will be issued in a timely manner, initially to key national stakeholders and then made public.
- 6.4 Commonwealth teams are expected to cooperate closely with other observer teams throughout their deployment, including coordination and the sharing of information. On occasion, as deemed appropriate by the Chair, the Commonwealth team may also issue a joint statement with other international observers relating to a specific concern.

7 Cycle of Engagement on Democracy Support

- 7.1 Commonwealth election observation has far greater impact and value when the recommendations offered by a COG, and other observers, are addressed so as to reduce the risk of shortcomings in future elections. Ideally there should be some form of domestic mechanism in place in each member country to review the conduct of an election and take forward prospective reforms as required.
- 7.2 Commonwealth engagement in consultation and agreement with a host member country may include the deployment of a pre-election assessment mission, a COG, a post-election Return Visit to deliver the Final Report, a mid-term Follow-Up Mission to assess the status of reforms, and observation of other aspects of the electoral cycle.
- 7.3 As a final stage of the COG, a Return Visit may be undertaken shortly after the publication of the final report to discuss the findings and recommendations with relevant authorities and actors with a view to highlighting suggested reforms, their responses and potential Commonwealth technical assistance. Subsequently the Secretariat will remain in contact with the relevant authorities to follow progress.

7.4 A ‘mid-term’ Follow-Up Mission to an observed member country may be undertaken upon request to assess the extent of reform and to identify areas still needing to be addressed in preparation for the next election. Further Commonwealth technical assistance and/or engagement, carried out in partnership and consultation, may also be considered as a result of the findings of a Follow-Up Mission.

7.5 The Commonwealth upon request may also observe other parts of the electoral process outside of the framework of a COG and at different times in the electoral cycle, such as voter registration. In such a case, a small expert team may be deployed.

8 Financial

8.1 The Commonwealth remains committed to funding its own election observation, recognising its work in this field as a core activity in promoting Commonwealth values and principles.

8.2 The costs of each observer mission are covered by the Secretariat. No funds are sought from the host member country being observed. In accordance with international transparency standards, information on funding of COGs will be published consistent with Commonwealth governance procedures and provided upon request to a member country.

9 Coherence with other Commonwealth Assistance

9.1 The promotion of Commonwealth political values through the conduct of election observation is consistent with, and undertaken in coherence with, broader Commonwealth activities, including Good Offices as well as other initiatives.

United Kingdom
20 April 2018

Annex 1 - Standard Terms of Reference for Commonwealth Observer Groups

“The Group is established by the Commonwealth Secretary-General at the written invitation or welcome of the [name of inviting authority]. The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgement whether the elections have been conducted according to the standards for democratic elections to which the member state has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth, including its Charter, and other international commitments.

The Group is to act impartially and independently. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgement accordingly. It would also be free to propose to the authorities concerned such action on institutional, procedural and other matters as would assist the holding of such elections.

The Group is to submit its report to the Commonwealth Secretary-General, who will forward it to the Government, Electoral Commission and political parties taking part in the elections and to all Commonwealth Governments. Thereafter, the Final Report may be used to help inform relevant follow-up activities.”