

United Nations
Focal Point for Electoral Assistance
Department of Political Affairs
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Policy Directive

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United Nations statements and public comment around elections

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Policy Directive on United Nations statements and public comment around elections

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A. PURPOSE

1. This Directive sets out United Nations (UN) policy for statements and public comment around elections. It also clarifies the roles and responsibilities of different parts of the UN system in issuing statements or making public comment, and provides guidance on key considerations, content and the consultation process required. The purpose of the directive is to ensure coherence, consistency and predictability of public messaging by the UN around elections.

B. SCOPE

2. This policy applies to all entities of the UN system and UN personnel with respect to statements and public comment around elections. It is particularly relevant for senior UN personnel both in HQ and in the field, especially the most senior UN representative in the country. For the purpose of this guidance, the UN is understood to refer to the entire UN system, that is, all UN departments, funds, programmes, entities, agencies, trust funds, commissions, peacekeeping missions, special political missions, peacebuilding missions, country teams and other bodies. This also applies to advisory missions or services of a limited duration.

3. This policy covers all settings including where the UN is providing electoral assistance, where it has a presence but is not providing electoral assistance and where the UN has no field presence. It also covers all public statements including written statements, verbal statements, advocacy messages and unplanned responses to questions or queries related to electoral processes.

4. This directive should be read in conjunction with existing UN electoral policy, especially the Policy Directives on Principles and Types of UN Electoral Assistance (Ref. No. FP/01/2012), UN Electoral Assistance. Supervision, Observation, Panels and Certification (Ref. No. FP/01/2013), UN Support to International Electoral Observers (Ref. No. FP/03/2012) and Promoting Women's Electoral and Political Participation through UN Electoral Assistance (FP/03/2013).

C. RATIONALE

5. Elections are highly political and public events, the outcomes of which are extremely important, and are therefore the subject of much public interest and comment.

Notwithstanding the fact that elections are national processes the UN often plays an important role in supporting these processes.

6. In many post-conflict and transition contexts elections are an integral part of peace agreements and the UN is often mandated by the Security Council or General Assembly to provide assistance and support. In many other cases the UN is requested by the Member State to provide assistance or support to administer electoral processes. Assistance or support can take many forms including general support or facilitation of the peace process, mediation, good offices or technical assistance. Even in situations where the UN has no formal field presence it may still have a role to play, either through its overarching mandates such as promoting and protecting all human rights or its responsibility to support the maintenance of international peace and security. In other situations the UN may be requested to play a role in dispute resolution surrounding an electoral process. Many parts of the UN may therefore play some role or have some engagement with Member States electoral processes.

7. Within such a context the UN is often solicited, expected or required to comment on electoral processes, or the UN may wish to communicate key messages on the process. Given the sensitivity of such processes, the primacy of national ownership and the need for the UN to be, and to be seen to be, politically neutral, it is important for any UN statements or comment on electoral processes to be carefully considered, coordinated and in accordance with established UN policy and practice.

8. The UN Focal Point for electoral assistance, the Under-Secretary-General for Political Affairs, (hereafter “the UN 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 guidance has been developed as part of the efforts of the UN Focal Point to develop a complete set of UN system-wide electoral policies.

D. POLICY DIRECTIVE

D1. UN ELECTORAL ASSISTANCE FRAMEWORK

9. Before the UN 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 UN Focal Point for electoral assistance. The Focal Point will approve or deem inappropriate UN electoral assistance, based on the assessment report, and define the type, parameters and modalities for the assistance. Whether the UN is providing electoral assistance or not and the type of assistance being provided may impact whether the UN issues a statement around elections, the content of such a statement and who will issue the statement.

D2. PRINCIPLES AND POLICY CONSIDERATIONS

10. **Principles:** UN electoral assistance is guided by a number of principles, as elaborated in the Policy Directive on Principles and Types of UN Electoral Assistance, all of which need to be taken into consideration in relation to statements and public comment around elections. The following principles are particularly relevant:

- ***National sovereignty and ownership.*** Unless specifically mandated by the Security Council or General Assembly the UN does not organise, certify, supervise or observe an electoral process. Rather UN electoral assistance promotes and supports national ownership of electoral processes. While the UN encourages and supports Member State’s efforts to comply with their international obligations and commitments the UN generally does not comment on the validity of an electoral process and/or the legitimacy of the

electoral outcome. It is for others, particularly the citizens of the concerned Member State, to determine whether the process is credible and the outcome reflects the will of the people. In this respect, a genuine election is ultimately one in which the outcome reflects the freely expressed choice or choices of the people.

- **Objective, impartial, neutral and independent.** All UN electoral assistance is provided with these principles in mind. In the case of statements around elections, which can be an important and powerful public diplomacy tool, these principles are essential in order to ensure the integrity of the organisation and the impact of any such statement.
- **Norm-based but not prescriptive.** The General Assembly has often stated that there is no one model of democracy and as such any UN statements must respect local context and circumstances. The UN does not purport to have one international standard for electoral processes by which all elections are assessed and judged. Notwithstanding this, UN electoral assistance, and UN activities more generally, aims at furthering respect for all basic human rights and compliance with the rights and principles enshrined in the Charter of the UN, the Universal Declaration of Human Rights, the International Covenant on Civil and Political rights and other relevant international legal documents.
- **Political perspective and election related conflict.** The UN must ensure that it is, and is perceived to be, politically neutral, that its assistance contributes to political pluralism and longer term stability and that it is not abused or manipulated by any political grouping. Any statement should therefore encourage the participation of all political groupings and viewpoints including marginalised groups. It should also be cognizant of the potential for election related violence and promote the peaceful resolution of disputes and the acceptance of electoral outcomes. Any statements with regard to the acceptance of outcomes will of necessity give due consideration to any human rights violations around the process and the accuracy and credibility of the outcome.
- **Integration.** In any mission setting all UN electoral assistance and any statements related to elections should be delivered in a fully integrated manner. In non-mission settings all assistance and any statements should be delivered in a coordinated, coherent and consistent manner.

11. **Policy considerations:** A number of policy considerations should be taken into account with regard to UN statements regarding Member State's electoral processes.

12. UN statements and public comment around elections should be cognizant of, in line with and complimentary to overall interaction with the Member State. Appropriate coordination between the field and HQ is required, particularly with regard to the more sensitive of situations or statements, to ensure the totality of interactions and implications are fully taken into account. Statements are an important public diplomacy tool and should therefore complement the overall UN engagement in a country and be used strategically.

13. Statements and public comment around elections should be framed within a broader communication strategy on elections, which should generally be developed by the field supported by HQ. In cases where the UN has no field presence or in the case of more sensitive situations or statements UN HQ will take the lead in the development and issuance of statements.

14. The communication strategy around elections should be developed sufficiently in advance of any electoral event. It should include the articulation of the UN's role and mandate, key communication events mapped out according to the electoral timeline, contingency planning (particularly in relation to the potential for violence), the consultation process and the roles and responsibilities on the development and issuance

of different statements. Where possible statements by the SG will also be framed, in advance, as part of the overall communication strategy.

15. In situations where there is a reasonable likelihood or expectation of the credibility of a process being undermined or violence breaking out around the process communication strategies should incorporate preventative elements such as encouraging all stakeholders to respect the rules and international obligations and political commitments related to elections, use peaceful methods and official structures to resolve disagreements or disputes and respect for outcomes.

16. The objectives of UN statements around elections generally fall into one of three categories:

- to articulate the role and mandate of the UN in the electoral process;
- to convey specific messages and advocate for certain action; and
- to congratulate the people and/or candidate.

Statements may include elements of each of these. The objective of the statement will impact the timing, content, consultation process and messenger.

17. The most common statements clarify the UN role, including providing assistance or monitoring the situation in relation to the Member State's compliance with certain legal frameworks and obligations, but may also involve clarifying what the UN is not doing or responsible for, emphasising national ownership and responsibility for the process. The scope of statements around elections should normally be confined to areas of the mandate of the respective UN entities and/or the type of electoral assistance being provided.

18. As a public diplomacy tool statements can be used to convey specific messages usually to reinforce or advocate for certain action or condemn certain behaviour. Whilst the particulars of such statements will vary depending on the precise objective the most common statements in this area include those that:

- Promote and advocate for Member States to adhere to international obligations and political commitments related to elections
- Build confidence in the process by acknowledging progress or successful phases of the process
- Encourage improvements in the process either in technical areas or in terms of the inclusiveness of the process
- Encourage all parties to respect the process, its rules and mechanisms, in particular the results and that any disputes are channelled in a peaceful manner through the appropriate official dispute mechanisms
- Preventative messages where there is a risk of election related violence or other human rights violations
- Post electoral messages aimed at building upon a successful election or moving forward following a troubled process.

19. Where the process appears to be generally progressing well but the UN feels that it can contribute to the building of confidence in the process it may decide to send aspirational messages to encourage trust as the process moves forward. Such messages may include:

- Welcoming the holding of elections
- Praising those who choose to participate
- Commenting on the positive atmosphere of the election including with regards to human rights aspects
- Urging patience and respect for institutions and process while the ballots are counted and tabulated and while the complaints and appeals processes are administered.

20. Where the electoral process appears to be facing challenges, such as violence, human rights violations, allegations of fraud or impropriety or threats not to accept the

results the UN may decide to issue a statement to encourage improvement or respect for the process. Such messages may include:

- Calls for patience, restraint or non-violence and respect for human rights;
- Urge all complaints to be channelled to the appropriate national adjudicative body;
- Calls for all disputes to be resolved fairly, expeditiously and transparently;
- Urge all candidates and their supporters to accept the decisions of the appropriate bodies;
- Urge respect for the final outcome; and
- Urge winners to be magnanimous in victory and govern on behalf of all citizens, and urge losers to be graceful in defeat.

21. Congratulatory statements aimed at the process in general or the people may be issued in the field or at HQ. While the UN continues to strive to assist countries to administer elections to the highest possible standards, a well-run process alone cannot determine the outcome and its acceptability. In this respect, a genuine election is ultimately one in which the outcome reflects the freely expressed choice or choices of the people. Congratulatory statements should therefore not give a qualitative judgement on the validity and results but rather should focus on the atmosphere of the process and the acceptance of results in a general sense. Any such statements would ideally be made only after the process is complete, including the final adjudication of any claims or appeals. However, a statement may be made earlier if it is believed that its impact will be greater and that there is a specific need (e.g.- promote trust in the EMB). When such statements are made during an ongoing process they should clearly state that the election is not yet complete, and, if appropriate, call on all sides to remain calm and respect the results.

22. When issuing such congratulatory statements the UN uses language such as;

- Credible
- Inclusive
- Transparent
- Peaceful
- Participatory and
- Genuine

The term free and fair is generally not used by the UN as it entails a qualitative judgement on the process as a whole. Statements most often use wording that focus either on one element of an election deemed of particular importance (e.g. - inclusive, peaceful) or use wording that speaks to the more political approach promoted by the SG (e.g. - credible, genuine).

23. With regard to newly elected leaders a statement or letter of congratulations will initially be made by the SG and shall be withheld until the leaders have been inaugurated.

24. Informal consultation and coordination with the international community on messaging is encouraged. Nonetheless, to safeguard its neutrality, the UN does not generally make joint statements with other organisations or individual Member States. Where UN partners, such as regional or sub-regional organizations, are closer to the process or have a more central role to play on elections than the UN, it may be appropriate for their statement to speak for the international community, in lieu of a UN statement. Where such a scenario is being contemplated guidance should be sought from the UN Focal Point for Electoral Assistance.

D3. POLICY DIRECTIVES

25. In mission settings the Head of Mission, usually the Special Representative of the Secretary General (SRSG), is the most senior UN representative in country and he/she represents the Secretary-General. He/she speaks on behalf of the UN and generally UN statements or public comment around elections, at the country level, are made by the SRSG. The SRSG can delegate authority to speak to a Deputy SRSG (DSRSG) or any other appropriate official. Any additional statements related to electoral processes by other UN personnel at the country level must be authorised by the SRSG.

26. In non-mission settings, the Resident Coordinator (RC) is usually the most senior UN representative in country and he/she represents the Secretary-General. He/she also represents the United Nations Country Team (UNCT) as a group. In these settings he/she speaks on behalf of the UN and generally UN statements or public comment around elections, at the country level, are made by the RC.

27. In mission settings, the RC continues to have the authority to speak on behalf of the UNCT as a group. As per existing policy all electoral assistance in mission settings will be delivered in a fully integrated manner from the outset. As such, whilst the SRSG will generally be responsible for UN statements or public comment around elections the RC, in his or her role as RC, may also make statements or public comment. Generally such statements will be confined to the role of the UNCT, or members thereof, in supporting the electoral process. The content and timing of any such statements must be appropriately consulted and coordinated within the mission. In mission settings, the RC is also usually a DSRSG. In these cases, the DSRSG/RC, if delegated by the SRSG, may also speak on behalf of the UN at the country level.

28. Heads of UN entities in-country may also make statements or public comment around elections. These statements will however be confined to areas of their entities' mandate activities and shall focus on factual aspects of the electoral assistance provided by them. The content and timing of any such statements must be consulted and coordinated with the RC, and in the case of mission settings, with the mission.

29. When the objective of the statement is to articulate the role and mandate of the UN in the electoral process the consultation process described above should be followed. The requirements for consultation with UNHQ will depend on the mandate or role of the UN in supporting the electoral process. In the case of technical assistance or support to international observers no prior consultation with UNHQ is required although if there is any doubt the Electoral Assistance Division of the Department of Political Affairs should be consulted.

30. In cases where the UN provides support to international election observers it is important that the UN is not misperceived as carrying out election observation. While the UN should maintain a relatively low profile in providing such support it may be necessary to issue a statement in order to clarify the limited role of the UN. This type of statement should be made by the UN leadership in country or, by agreement, by the head the UN entity providing such support. Where there is no clarity EAD should be consulted.

31. Where the UN is involved in organising or conduct of elections, verification/certification, observation, supervision, expert panels or support to creating a conducive environment the Focal Point, through EAD, should be consulted during the development of the communications strategy and prior to the issuing of any statement or making of any comment on the process.

32. In the case of UN observation the mission observes each phase of the electoral process and reports back to the Secretary-General. Statements and reports of the findings of the mission may be made following each phase of the process and may include recommendations for improvement. These statements are usually made by the

mission, following consultation with the Focal Point, through EAD. The process of observation usually leads to an evaluative report and public statement on the overall conduct of the electoral process. The public statement is usually made by the Secretary-General and followed by a statement by the mission. With very rare exceptions, as may be authorised by the Secretary-General, UN observers will not comment on the legitimacy of the outcome, focusing rather on the credibility of the process.

33. A UN electoral certification mandate also requires the UN to pronounce upon the credibility of the elections. It requires a pronouncement on the legitimacy of the process as a whole and also on whether the results can be considered to reflect the will of the voters. The UN certifying authority may publish interim reports and make interim statements, following consultation with the Focal Point, through EAD. The final assessment or certification report is forwarded to the Secretary-General who will present it to the mandating UN body, usually the Security Council. The final certification statement is usually made by the UN certifying authority, unless decided otherwise by the mandating UN body.

34. Statements to convey specific messages and advocate for certain action related to electoral processes will usually be made by the UN leadership in country, SRSG or RC, but may on occasion be made by UNHQ, usually the SG. All such statements should be consulted with the UN Focal Point for electoral assistance, through EAD. EAD will provide advice on appropriateness, content and timing and may also advise if it would be more appropriate for the statement to be issued by the SG. In such cases discussions will involve the Executive Office of the Secretary General (EOSG).

35. Statements by the SG or the spokesperson of the SG, to convey specific messages and advocate for certain action, are used selectively to ensure impact. They are more likely in cases where the UN has a SC or GA mandate, where the SG has deployed a good offices mission, where there are serious problems with an electoral process, or where there is the threat or reality of violence or other serious human rights violations around the process. Such messages may be issued as a stand-alone or to reinforce the message by the HoM/SRSG or other UN senior representatives.

36. Statements congratulating the people on the successful holding of an election are not common practice. If made however, they will usually be made by the UN leadership in country, SRSG or RC, but may on occasion be made by UNHQ, usually the SG. All such statements should be consulted with the UN Focal Point for electoral assistance, through EAD. EAD will provide advice on appropriateness, content and timing and may also advise if it would be more appropriate for the statement to be issued by the SG. In such cases discussions will involve the EOSG.

37. With regard to newly elected leaders following an electoral process a letter of congratulations, or on occasion a statement, will initially be sent by the SG and shall be withheld until the leaders have been inaugurated. Follow on statements, including by the UN leadership in country, may be made following the SG statement. Such statements should be consulted with the Focal Point, through EAD.

D4. RELATED MANDATES

38. **Human Rights.** The Secretary-General has regularly affirmed the importance of human rights in all aspects of the work of the United Nations, not least in the Human Rights Up Front Plan of Action. In his latest report on elections (A/68/301), he encouraged and expressed support to Member States' efforts to comply with their international obligations, including on human rights, and commitments as they apply to elections.

39. As the leading United Nations entity on human rights, Office of the United Nations High Commissioner for Human Rights (OHCHR) independently conducts human rights

monitoring and provides technical assistance on human rights issues in the context of elections, particularly through human rights field presences. It also independently issues statements and makes comments on human rights concerns in the context of electoral processes.

40. Statements by OHCHR and other United Nations entities with human rights mandates related to electoral processes will exclusively focus on human rights aspects and issues. They will not contain any comment or assessment on the validity of an electoral process.

41. United Nations statements on elections and on human rights issues in the context of elections should be consistent and mutually reinforcing. While taking timely and firm positions on human rights issues in the context of elections is critical, these should be consulted, to the extent possible, with relevant entities (the United Nations leadership in the country concerned and, as necessary, DPA/EAD or the EOSG).

42. **Promoting Women's Electoral and Political Participation.** Supporting Member States' national efforts in ensuring inclusive political processes and promoting women's political participation is one of the highest priorities of the Secretary-General and is high on the agenda of the United Nations system.

43. The main legal framework for advocacy to accelerate women's political participation comprises CEDAW and the CEDAW General Recommendation No. 23 (on political and public life) and No. 25 (on Temporary Special Measures). States parties to CEDAW are obliged to take all appropriate measures to eliminate discrimination against women in political and public life: to ensure that women enjoy substantive equality with men; and to revert to CEDAW Committee on the measures undertaken to implement the Convention. The United Nations should use any possible opportunity to remind States parties to the Convention of this obligation, and to encourage them to take the necessary measures to accelerate the political participation of women.

44. UN entities with a mandate to provide electoral assistance should continue to advocate for the elimination of all forms of discrimination against women with a view to achieving *de jure* and *de facto* equality with men in enjoying their political rights and freedoms. Various UN entities, including UN Women, depending on their respective mandates, are regularly required to develop and deliver key advocacy messages in encouraging Member States' efforts to promote gender equality and increase women's political participation. To be most effective, these messages should be coherent and consistent across the system. All such electoral assistance and advocacy messages must also be in line with relevant electoral policy particularly the Policy Directive *Promoting Women's Electoral and Political Participation through UN Electoral Assistance* (FP/03/2013).

45. The issuing of a statement or making public comment on gender equality issues related to electoral processes should be limited to the mandate and should not render an opinion which may be interpreted as assessing the validity of an electoral process. It should also be mutually reinforcing and in line with the broader UN messages in a given country. Such statements should therefore be consulted and coordinated with the UN leadership in country, SRSG or RC, and where appropriate with EOSG. Where there is any uncertainty in relation to UN electoral policy the Focal Point, through EAD, should be consulted.

E. TERMS AND DEFINITIONS

Related Policy or Guidance on elections

- Policy Directive: Principles and Types of UN Electoral Assistance (FP/01/2012)
 - Policy Guideline: United Nations Electoral Needs Assessments (FP/02/2012)
 - UN Support to International Electoral Observers (Ref. No. FP/03/2012)
 - UN Electoral Assistance: Supervision, Observation, Panels and Certification (Ref. No. FP/01/2013)
 - Policy Directive: UN support to electoral system design and reform (FP/02/2013)
 - Promoting Women's Electoral and Political Participation through UN Electoral Assistance (FP/03/2013).
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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 1 December 2014.

I. CONTACT

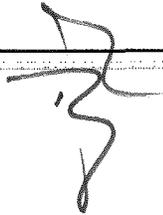
Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs.

J. HISTORY

Drafted by the Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs on 1 December 2014.

Consulted with members of the Inter-Agency Coordination Mechanism for UN Electoral Assistance (ICMEA) prior to adoption.

SIGNED:



DATE: 1 December 2014.