



**GUIDELINES ON THE
CONDUCT OF COMESA
ELECTION OBSERVER
MISSIONS**

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BACKGROUND

1. The Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights, and the African Charter on Democracy, Elections and Governance, among other regional and international instruments on elections and democracy, provide for the right to participate in the government and public affairs of one's country, free from discrimination prohibited by regional and international human rights principles. This fundamental human right is exercised primarily through participation in elections as voters or candidates. Regular and periodic elections are an expression of people's sovereignty from which the authority and legitimacy of government is drawn. As the means through which legitimate political power and authority to govern are accessed, elections tend to be highly contested and are sometimes conflictual, resulting in political instability and conflict.
2. Since 2006, COMESA has been involved in electoral processes, including observation of 14 polls in 10 Member States, which has been done upon invitation by the relevant Member States. Through the Regional Political Integration and Human Security Support Programme (RPIHSSP), COMESA seeks to improve the 'political governance, transparency, democratization processes, security, stability and sustainable development of the region through strategic inter-regional cooperation'¹. In 2011, COMESA commissioned a 21-country study of electoral processes and Electoral Management Bodies (EMBs) in the Eastern and Southern Africa-Indian Ocean (ESA-IO) region, with the view of identifying best practices for the Region, and also areas for strengthening democracy through electoral processes. The report arising from the comprehensive study made specific recommendations to COMESA policy organs relating to benchmarks for democratization and legitimacy of the electoral bodies; minimum standards of model practices in electoral processes; and profiling of actors and key stakeholders on good governance in respective countries. The study was done in close collaboration with the East African Community

¹ *Political Integration and Human Security Action Fiche for ESA-IO Region, EAC-COMESA-IOC-IGAD member/partner states page 1*

(EAC) and Inter-governmental Authority on Development (IGAD).

3. The Twelfth Meeting of the COMESA Ministers of Foreign Affairs, which was held in Kampala, Uganda on 21st – 22nd November, 2012 adopted the report and directed COMESA to ‘develop standardized models/statutes for EMBs and other electoral stakeholders, building on regional and universally accepted principles and guidelines on the independence of EMBs; develop criteria for observation of elections in the Region and a framework for implementation of Election Observer Mission findings and recommendations; and enhance the role of the COMESA Committee of Elders and other appropriate structures to observe the full electoral cycle and the implementation of election observation missions’ recommendations where applicable².
4. The decision by the Council forms the basis for the development of these guidelines on the conduct of COMESA election observation missions (EOM). The guidelines are anchored on existing EAC, Southern African Development Community (SADC) and African Union (AU), as well as other international electoral norms, standards, principles and guidelines, as well as the outcome of the study of electoral processes and EMBs in the ESA-IO region and experiences from observing elections in ESA countries.

INTRODUCTION

5. Election observation has become closely associated with both the real and perceived credibility of electoral outcomes, enhancing democratic practice and inspiring citizens’ confidence in the electoral process and democracy, in general. The organization and occurrence of elections, the legal framework, and in some cases the institutional design of EMBs takes into account the existence of and observation (and monitoring) of electoral processes by nationals, and foreign individuals and organisations. Parallel to a rise in the establishment of election-related organisations, reform of electoral institutions

² Report of the 12th Meeting of COMESA Ministers of Foreign Affairs, November 2012

and systems, there has been a concomitant increase (and convergence) in normative frameworks aimed at assessing the credibility of elections and related processes. Whereas both local and international non-governmental organisations appear to dominate the election observation landscape, inter-governmental organisations are - rightly so - increasingly taking the lead in elections' standards setting, assessments and observation.

6. Precisely because of their political remit and legitimate authority drawn from international agreements between and among states, inter-governmental organisations such as COMESA are uniquely placed to not only develop sound normative frameworks and standards but also more importantly, use their political authority to ensure member states' compliance with such frameworks. This is especially important where political will is required to harmonise disparate national legal and institutional frameworks and bring regional and international conventions to bear in the domestic sphere. Also, because of their relative permanency, political mandate and the force of treaty law accompanying their existence and decisions, inter-governmental organisations also stand a better chance of effectively monitoring, assessing and addressing observed election-related challenges and/or lack of compliance with normative frameworks throughout the electoral cycle, beyond the polling day.
7. Election observation is an oversight activity and has both political and technical dimensions. The process is largely technical because it includes, in large measure, a technocratic assessment of a range of processes including those of a legal and administrative nature, unencumbered by politics. The political dimension arises because verdicts expressed by election observers have implications for the perceived legitimacy of the authority to govern. Similarly, the stability of the country may be affected by the pronouncements of election observers.
8. Election observation is best described as 'the 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 environment; the impartial and professional analysis of such information; and the conclusions that are drawn about the character of electoral processes, which are based on the highest standards of accuracy of information and impartiality of analysis. ... Election observation should therefore, where possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes³. This definition places election observation in the realm of a professional exercise with specific protocols, methodology and fairly scientific bases for arriving at conclusions. It is also suggested that observers must be qualified to undertake this important exercise.

9. While the responsibility and authority to organize and manage elections rests with the established EMBs of each sovereign country, election observation is an additional measure of building confidence among stakeholders. Other key tasks that election observation fulfills include the following:
 - i. Serving as an objective, impartial and neutral witness,
 - ii. Guaranteeing the integrity of an electoral process,
 - iii. Informing different publics on the conduct of the electoral process,
 - iv. Contributing to the reduction in violence, intimidation and fear in processes that are usually highly contested,
 - v. Providing psychological support and raising public confidence in the electoral process,
 - vi. Detecting and deterring integrity problems to enhance the integrity and legitimacy

³ *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, Commemorated on October 27, 2005, at the United Nations, New York, p.2.*

of elections,

- vii. Calling attention to flaws, detecting and exposing fraud, irregularities and the occurrence of avoidable mistakes,
- viii. Assisting in election-related conflict management and transformation,
- ix. Encouraging contestants to accept results of credible processes,
- x. Reporting and documenting both positive and negative trends, and
- xi. Promoting mutual learning and exchange of experiences on best practices to encourage progressive electoral reforms.

COMESA ELECTION OBSERVATION PRINCIPLES AND VALUES

10. COMESA is a rule-based inter-governmental and regional economic community, which is guided by core values that include professionalism, integrity, quality leadership, teamwork and respect for each other. Therefore, those mandated with observing elections or undertake mediation and other election-related assessments under the auspices of COMESA are expected to, in addition to regional and international standards and principles, uphold COMESA's founding principles and values. Election observers must also respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.
11. The following are the principles that guide the conduct of COMESA election observation:
 - a. Impartiality: In order to serve as witnesses, there is an expectation that COMESA election observers shall at all times be non-partisan, be impartial and undertake an objective analysis of the information acquired to arrive at an informed and

unbiased judgement of the process.

- b. Comprehensiveness: Before arriving at a conclusion, COMESA observers shall, to the extent possible, observe and address as many critical aspects of the electoral cycle as possible, including the institutional context and other factors concerning the overall electoral environment. The achievement of comprehensiveness is directly related to the presence on the ground of a sufficient number of observers to do the observation and not rely heavily on secondary sources of information. An observer mission that is too thinly spread risks making generalisations that may sully the COMESA's integrity.
- c. Duration: The presence of COMESA observers on the ground shall be long enough to lend credence to their findings, observations and conclusions. For instance, unless combined with on-going assessments and comprehensive briefings by credible independent local sources⁴, an observation period of less than 2 weeks is insufficient to achieve the desired comprehensiveness and credibility.
- d. Transparency: Election observation is not an act of intelligence gathering. It is a public process where there is disclosure of methods used to acquire the information to support any assumptions and assertions being made by the observer. Sources of data and information must also be identified.
- e. Accuracy: The credibility of election observation rises and falls on the accuracy of information and conclusions made by election observers. COMESA observer statements and reports shall be based on what has indeed been observed, is factual and on information that is verifiable. Hearsay and conjecture have no place in professional and credible election observation. For instance, the fact that

⁴ *The prohibitive cost of long term deployment of observers vis-à-vis the need to enhance credibility of observer reports could be obviated by triangulating reports and briefings from the diplomatic community, EMBs, relevant state/government and international agencies, academics, faith-based, civic and media monitoring organisations. Ideally, local observers should subscribe to the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations.*

two persons wearing party regalia are 'observed' fighting on Election Day does not necessarily make it election-related violence.

- f. Timing: Effective election observation includes a decision on whether or not to observe. A decision to observe or not to observe is based on considerations of the existence of minimum conditions to make it feasible for effective observation, including adherence to internationally accepted basic rights and freedoms in the country, COMESA observers' capacity to undertake the Mission, reasonable access to key actors, informants and data to make informed judgements, and sufficient guarantees of rights and security of observers. A decision not to observe an election (by known credible observers) may be beneficial to the region's democratic development by serving as stimulus for reform.
- g. Competence: Not everyone can be an election observer overnight. Elections are politically sensitive and complex processes hence the need for COMESA election observers to be adequately trained and knowledgeable about their mission, the political and institutional context and COMESA election observation principles. Familiarity with the issues to look out for and points of inquiry is critical. COMESA will at all times seek to establish observer missions that have the requisite political and other skills relating to the ever-changing electoral contexts and are of impeccable standing and proven integrity.
- h. Non-interference: All generally accepted definitions of election observation place emphasis on observers not interfering in electoral processes and thus hindering the integrity and effectiveness of such processes. COMESA observers shall be bound by the laws of the country being observed and shall not at any time, interfere with proceedings.

RELATIONSHIP WITH MEMBER STATES HOLDING ELECTIONS

12. Unlike non-state actors and some international organisations, COMESA is an inter-governmental organisation and deploys observers to its member states. As an inter-governmental organisation, it has the comparative advantage and political authority to encourage and ensure its member states' compliance with international and regional normative frameworks, as well as preventing and resolving election-related and other conflict.
13. However, it is precisely this advantage that is viewed by some as a weakness. Inter-governmental organisations' observer missions have sometimes been perceived as less objective than non-state actors. This stems from the view that because they observe their peers (member states), they are less likely to call attention to flaws and pronounce themselves on fraud and other irregularities. It should be noted however that while in the field, COMESA's multi-national election observer missions, which draw their members from governments, EMBs, civil society organisations, academics and election professionals, are informed only by their terms of reference, code of conduct and observations in the field.
14. One of the key provisions of the Declaration of Principles for International Election Observation and Code of Conduct for International Observers is that "International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the Mission's findings". As an inter-governmental organization observing elections in a member state and therefore likely to receive diplomatic support and may be offered infrastructural support in the form of vehicles and support staff, COMESA observer mission need to always ensure that such support does not go beyond normal diplomatic courtesies accorded to any other inter-governmental organization. Related to that is the need to disclose sources of funding and other assistance upon appropriate and reasonable requests.

15. Unless certain minimum conditions are in place, COMESA EOMs cannot fulfill their mandate. COMESA Member States will adhere to the following:
- a. Either invite or accept COMESA's request to observe elections at least 90 days before the date of voting to allow for a comprehensive analysis of all the relevant election-related processes;
 - b. Guarantee COMESA observers unimpeded access to all stages including among other things, access to voters' rolls, the functioning of information communication technologies, inside polling stations, counting centres and other electoral facilities, as well as the transport of ballots and other sensitive materials;
 - c. Guarantee COMESA observers unimpeded access to and communication with all persons and institutions involved in the electoral process, including EMBs and officials at all levels, political parties and candidates, government and relevant security officials, media personnel, civil society organisations and citizens,
 - d. Guarantee the security and freedom of movement observers in all parts of the country. Election observation is compromised where security risks limit the movement of observers as well as reasonable access to aspects of the electoral process,
 - e. Guarantee the right of anyone – local or foreign – working for, assisting or providing information to COMESA in accordance with these guidelines and the laws of the country;
 - f. Respect COMESA's right to issue without interference, prior clearance or censorship, statements and reports on elections and related developments;
 - g. Non-interference with the selection and accreditation of observers or prescribing the numbers of COMESA observers and areas of observation.

ELECTION OBSERVATION STRATEGY

16. In view of the fact that an election is not an event but a series of organic events, people, institutions and processes culminating in the casting of votes, COMESA's cyclical approach

to elections provides a holistic understanding of how the institutional framework and activities that occur prior to and even after voting impact on the quality of elections, political participation and democracy. Elections that are viewed as an event revolving around the casting of ballots, counting, tabulation and announcement of results, as is often the case amongst some election observers and development partners, neglect the interdependent and integrated nature of seemingly stand-alone events occurring over a fairly long period of time. The electoral cycle approach presents electoral processes in three related and sometimes overlapping phases, namely the pre-voting phase, voting phase and the post-voting phase.

17. COMESA seeks to increase and improve the organisation's understanding of the political environments and state of election preparedness and democratic consolidation in member states. This should enable COMESA to develop strategies aimed at improving 'political governance, transparency, democratization processes, security, stability and sustainable development of the region through strategic inter-regional cooperation'.
18. Some of the key activities under COMESA's election work include:
 - a. Commissioning research on election-related matters including but not limited to financing elections and political parties, electoral system reform, equal political participation and representation of women, youth and other marginalized groups,
 - b. Deploying missions to build stakeholder consensus on election preparedness,
 - c. Undertaking post-election audits,
 - d. Providing and facilitating the provision of technical support to election management bodies, political parties, relevant government agencies, parliament, and civil society to enhance election-related institutional frameworks and processes,
 - e. Deploying the COMESA Committee of Elders to build political consensus, mediate and resolve election-related conflict and other conflicts that have a bearing on democratization, peace, security, and stability,

- f. Facilitating the establishment and effective functioning of a COMESA EMBs Forum to contribute to strengthening the independence and effectiveness of EMBs,
- g. Providing direct and indirect support – through technical and advisory services – to promote the implementation of recommendations of COMESA election-related missions,
- h. Enhancing the capacity and involvement of the COMESA Inter-Parliamentary Forum in promoting legislative reforms consistent with the findings and recommendations of COMESA election-related missions,
- i. Continuous capacity development for COMESA election observers,
- j. Developing and improving election-related normative frameworks to inform electoral reform processes in COMESA Member States, and
- k. Strengthening the internal capacity of COMESA to manage election-related work including but not limited to technical capacity development and mobilisation of financial and other resources. .

DESIGN OF COMESA ELECTION-RELATED MISSIONS

19. COMESA election-related missions include pre-election goodwill missions, election observation and post-election audits. In all cases, deployments of COMESA election-related missions are either at the invitation of the relevant COMESA member state or on COMESA's own initiative. By allowing COMESA into their countries, member states commit themselves to providing and facilitating COMESA delegations' access to all aspects of elections to enable observers to make a comprehensive analysis of the process.
20. Upon receipt of a letter of invitation, the Secretary General of COMESA shall constitute a multi-national EOM by inviting nominations from member states, EMBs, the Committee of Elders, the Inter-Parliamentary Forum, civil society organisations accredited to COMESA, and election experts, among others.

PRE-ELECTION GOODWILL MISSIONS

21. A pre-election goodwill mission is one that is designed to enable COMESA to better appreciate a member state's election preparedness. Through this process, COMESA, working in partnership with national election authorities, the government and other stakeholders will be in a position to determine the potential for COMESA's involvement in contributing to the improvement of electoral conditions and the scope of future election observation. A third consideration relates to COMESA's conflict prevention, mitigation and resolution mandate to ensure that elections are conducted in a conducive environment and do not compromise national and regional peace and security.
22. A goodwill mission could also act as an early warning mechanism providing scope for the development of technical assistance interventions or the involvement the COMESA Committee of Elders, COMESA Election Management Bodies' Forum or the COMESA Inter-Parliamentary Forum, among others. A central element of a goodwill mission is the provision of feedback and recommendations to electoral stakeholders such as EMBs, parliament and other government agencies, political parties, media, civil society, and the regional and international community on improving the electoral environment and related processes.
23. A decision on the composition, size and scope of a goodwill mission is based on, inter alia, whether a country is considered stable, in conflict or emerging from conflict; frequency, regularity and quality of previous elections. These factors will also assist in determining whether a goodwill mission includes field visits; is confined to consultations with electoral stakeholders through briefing and de-briefing sessions. In constituting a goodwill mission, the Secretary General shall ensure a fair balance in the representation of COMESA member states; gender equity and a healthy mix in the Mission's political and technical skills set.

TECHNICAL ASSISTANCE

24. At the request of a member state or arising from a goodwill mission, COMESA may consider rendering technical assistance to a member state. This could be in the form of material or technical support. In addition to material support to election-related institutions and processes, technical assistance may involve providing experts to facilitate political dialogue and conflict-related engagements; and mentor, develop and train local staff in operational, technical and management issues.
25. In order to avoid conflict of interest and compromising on impartiality, it is recommended that where COMESA is involved in election-related technical assistance, the organisation may not involve itself in the observation of elections that are directly related to the technical assistance rendered. By undertaking or facilitating technical assistance, by extension, COMESA becomes an integral part of the electoral processes whose observation and objective commentary can only be done by persons and institutions other than COMESA itself.

CAPACITY DEVELOPMENT FOR COMESA ELECTION OBSERVERS

26. As part of enhancing professionalism in election observation, COMESA will organise regular stand-alone capacity development workshops on various aspects of elections including conflict mediation. This should build a large pool of adequately trained election observers for deployment at short notice.

ELECTION OBSERVATION

27. The continuum of the election observation process ranges between short-term and long-

term election observation. Short-term observation relates to the deployment of observers for a limited period to observe events surrounding the voting day counting operations and the immediate post-voting period. Long-term observation on the other hand, includes observing events several weeks before the polling day (including voter registration, the campaign and other aspects) and for sometime in post-voting period including the declaration of results and petitions. Whereas long-term observation is the most ideal for a comprehensive assessment of an electoral process, the rather high cost of deploying observers for long periods, limits most regional and international observers only to short and medium term observation.

28. One of the key election observation principles provides that the presence of observers on the ground should be long enough to ensure comprehensiveness and thus lend credence to their findings, observations and conclusions. For this reason, subject to financial and other considerations that may have a bearing on the capacity of COMESA to fulfil its election observation mandate, COMESA will consider deploying long-term or short-term observers, or a balance between the two – medium term observation. When combined with pre-election goodwill missions, medium term observation is generally considered both cost-effective and efficient. In order to ensure COMESA’s long-term presence on the ground prior to the arrival of short to medium term observers, the Secretary General may request diplomatic missions of COMESA Member States accredited to the country under observation to nominate officials to serve as COMESA’s long-term observers.

COMPOSITION OF ELECTION OBSERVATION MISSIONS

29. COMESA election observer mission shall comprise the following:
 - a. Mission Leader: Appointed by the Secretary General from the COMESA Committee of Elders or other eminent persons, the Mission Leader is the political head and official spokesperson of the Mission and is responsible to the Secretary General for

the delivery of the mandate of the Mission. The Mission Leader liaises with other heads of missions/delegations. Depending on the sizes of both the delegation and country being observed, the Secretary General may appoint one or more deputy mission leaders to assist the Mission Leader.

- b. Mission Coordinator: Usually the COMESA official who represents the COMESA Secretary General and is responsible for providing technical advice to the observer mission, liaison with EMBs, state/government agencies and ensuring compliance with the observer mission's terms of reference. The Mission Coordinator reports both to the Secretary General and the Mission Leader. Primarily responsible for the planning, strategy and day-to-day management of the Mission, the Mission Coordinator scans the political environment, prepares briefing material and links the Mission with electoral stakeholders, develops the Mission's deployment plan, supervises Mission secretariat staff as well as the development of interim statement and final report.
- c. Logistics and Travel Coordinator: Reporting to the Mission Coordinator, the Logistics and Travel Coordinator is responsible for all the logistical and travel requirements of the Mission.
- d. Mission Rapporteur(s): Reporting to the Mission Coordinator, the rapporteur is responsible for receiving field reports on a daily basis and summarizing salient points for the Mission Leader's attention, synthesizing field reports against the terms of reference into the Mission's interim statement, and on conclusion of the Mission, compile the final observation report.
- e. Technical specialists: These include researchers, analysts, information communication technology (ICT) specialists, security advisors, and media specialists. The nature of skills and number of specialists shall be determined by

the nature, duration and complexity of the Mission as well as affordability.

- f. Support staff: Including drivers, secretarial staff and local guides whose number shall depend on the size of the delegation, duration of the Mission, and the size of the country.
- g. Language specialists: Whose number depends on the size of and language mix in the delegation as well as the languages used in the country.
- h. Observers: Nominated by member states and in the case of representatives of civil society and faith-based organisations and academia, by the Secretary General.

CRITERIA FOR NOMINATION OF OBSERVERS

30. The nomination/selection of observers shall meet the following requirements:
- a. Gender parity in the composition of government representatives, members of parliament (MPs), EMBs, civil society organizations accredited to COMESA, and other independent persons nominated for their knowledge and expertise of electoral matters,
 - b. Where MPs are nominated, a balance shall be maintained government and opposition nominees,
 - c. Consideration of language proficiency (based on the country being observed), and
 - d. Previous experience and or training in election-related observation and assessments.
31. The Mission Secretariat shall arrive in the country at least five working days before the arrival of observers to, among other things, set up the Mission headquarters⁵, put in place the relevant logistical arrangements for the Mission, prepare for the Mission's orientation,

⁵ *The mission headquarters shall be established in the country's capital or in the town where the EMB is located.*

liaise with the EMBs regarding briefings and accreditation of the observer mission.

32. Ideally, COMESA observers should arrive in the country at least 14 days before the date of voting and remain in the country for another two days after end of voting.
33. The arrival of the Mission shall be communicated through an Arrival Statement (Annex A) issued by the Secretary General communicating, among other things, the mandate of the Mission, an executive summary of the Mission's terms of reference, methods of work, and duration and composition of the Mission. Issuance of the arrival statement usually coincides with the arrival (in the country) of the designated Mission Leader to ensure maximum media coverage of COMESA's observer mission. While in the country, the Mission Leader may issue additional press releases as necessary. These may include, a deployment statement communicating the deployment of observers after observers' orientation and accreditation or a call for calm as circumstances dictate.
34. Prior to field deployment to different provinces/regions of the country, the observers are taken through a 3-day orientation workshop. Among other issues, the workshop is aimed at familiarizing observers with COMESA's election observation principles, Code of Conduct (Annex B), the country's political and electoral context. During the orientation workshop, observers also benefit from briefings by nominated long-term observers who are diplomats accredited to the country under observation.
35. At the end of the orientation workshop (Orientation Programme – Annex C), the Mission is broken up into teams of at least two observers for deployment to selected provinces/regions/centers. The selection of the deployment stations is based on a number of factors including the geography of the country, population/voter density, rural/urban divide, levels of political contestation and related potential for conflict.
36. The composition of observer teams shall take into account, gender mix, a mix of government

officials, MPs and civil society representatives, a mix of government and opposition MPs, team members' language proficiency, and member's previous experience and or training in election-related observation and assessments. Prior to accreditation by the EMB and deployment, all COMESA observers are required to commit themselves to upholding the Code of Conduct by signing a Pledge (Annex D).

37. While in the field, observer teams are expected to observe political campaigns, engage representatives of the EMB, police, representatives of political parties, media, civil society, faith based organisations, regular citizens (including women and youth), and other domestic and foreign observers on the political and electoral environment. Observers will also familiarize themselves with the location of polling stations in preparation for voting.
38. On a daily basis, field teams are required to send to the Mission headquarters, a daily report using the appropriate form (Daily Report Form – Annex E) providing a summary of proceedings and major highlights, good practices, and areas of interest or concern in their area of coverage. The daily report is important for two reasons. First, it gives the Mission Leader a bird's eye view of the Mission's progress and observations to enable him/her to either respond to media inquiries on interim observations or call the attention of electoral authorities to observed trends and issues that might affect the integrity and security of the ballot. Secondly, the daily updates enable the rapporteur to begin the process of compiling a summary of the Mission's observation vis-à-vis its terms of reference into an Interim Statement (Annex F) and subsequently into a final Mission Report (Annex G).
39. On voting day, each observer team shall identify a specific polling station and be at that polling station at least 30 minutes before the official commencement of voting (as prescribed by law), to observe opening procedures and record observations on the appropriate form (Voting Day Checklist – Annex H). Observer teams shall remain at each selected polling station for at least 30 minutes to be able to record proceedings and interact with would-be voters, those that have voted, election officials, party/candidate

agents, and other observers – within the provisions of the laws/regulations.

40. Towards the end of the designated voting period/day, each observer team shall select a polling/voting station at which they will observe closing procedures, and counting procedures, if the latter takes place at polling station level. Subject to safety considerations, observer teams shall observe the closing of polls, reconciliation of ballots, counting, verification, declaration of results - at least at the polling station or constituency/district level - and the securing of used and unused election material (Closing of Polls Form – Annex I).
41. At the end of the voting period, the Mission will re-convene at the Mission headquarters to de-brief on their observations and agree on an interim statement. The statement is referred to as interim primarily because it is issued pending finalization of the final Mission Report. Typically, an interim statement only addresses the (two-week) period observed by the Mission and therefore may not include critical processes in the pre-voting phase such as registration of voters, civic and voter education, demarcation of electoral districts/constituencies, the campaign, and media coverage. Missing from the interim statement could also be aspects relating to the immediate post-voting period such as the vote count, consolidation and declaration of results, as well as acceptance or otherwise of results and related appeals. In the interim statement, the Mission must explicitly qualify its observations and verdict as only relating to the specific period observed and for which the Mission can speak accurately and comprehensively about.
42. For the avoidance of doubt and to ensure consistency with the Mission's Terms of Reference (Annex J), the interim statement should explicitly state whether the Mission consider the elections to have been free and fair⁶ in terms of regional and international election standards, and a true reflection of the will of the voters.

⁶ A distinction is drawn between *freeness* and *fairness* of elections. The former refers to the respect for basic human rights and freedoms (in practice) through inter alia, the exercise of freedom of speech, press, access to the polls, assembly and campaign. The latter refers to the protection provided by the constitution, the law and other regulatory measures in relation to such issues as universal suffrage, the rights to register as a voter, candidate or party, guarantees of equal treatment by election authorities and state bodies – police, military, judiciary - and provisions for balanced reporting of political events

43. To the extent possible, adoption of the interim statement shall be by consensus, and the Mission Leader(s) and each observer shall sign the interim statement – produced in all the COMESA languages – Arabic, English and French. Where an observer opts not to associate with the majority view, such observer shall communicate that decision and reasons thereof to the mission leadership and the Secretary General not later than 24 hours from the signing of the interim statement.
44. Prior to making the interim statement public, the Mission shall formally present the statement to the EMB. The Mission officially winds up with a press conference where the interim statement is made public and the Mission Leader responds to media inquiries. As part of its communication strategy, COMESA will not only ensure that the statement is published on its official website, but is also circulated to key stakeholders including members of the observation mission.
45. The Mission’s final position will be communicated in the final Mission Report to be issued not later than 90 days following the declaration of results. The signed interim statement, copies of letters of invitation, press statements and other non-confidential reports and correspondence⁷ shall form annexes to the final Mission Report. The approval and publication of the final Mission Report shall involve the Mission leadership. Prior to its publication, the Mission Leader shall formally present the Mission Report to and discuss it with the relevant EMB.

PARTNERSHIPS

46. In order to benefit from economies of scale and promote regional and continental solidarity, COMESA will build and promote partnerships with other like-minded regional and international organisations to promote credible elections. In this regard, COMESA will conduct joint missions with other Regional Economic Communities (RECs) such as the AU,

⁷ A distinction is drawn between the mission’s confidential and non-confidential reports and correspondence. For instance, daily field reports, minutes of de-briefing sessions and communication with election authorities are generally regarded as confidential material.

EAC, IGAD and SADC; as well as with Regional Organizations such as the International Conference for the Great Lakes Region (ICGLR).

COMESA ARRIVAL STATEMENT TEMPLATE – ANNEX A. For Immediate Release

COMESA ELECTION OBSERVER MISSION ARRIVES IN [COUNTRY X]

Pursuant to an invitation by the Electoral Commission of xxx, a 32-member COMESA election observer delegation arrives in (capital), (country) on Tuesday 10 September 2021. The delegation, which is under the overall leadership of the deputy minister of / a member of the COMESA Committee of Elders, Ambassador/Honourable/Reverend/Professor xxxx, includes senior government officials, representatives of EMBs and civil society, faith-based organisations and election experts from the following COMESA member states: Burundi, Comoros, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Sudan, Swaziland, Uganda, Zambia and Zimbabwe. A full list of the observer delegation is attached.

The delegation will be in the country until 25 September 2021 during which time it will observe pre-election activities, voting, vote counting and declaration of election results, and the immediate post-election period in selected districts. As part of its mission, the delegation will consult electoral stakeholders including the Electoral Commission of xxxx, relevant government officials, political parties, candidates, citizens, civil society and faith based organizations, and the media. The delegation will also exchange views with the diplomatic community as well as with other election observers.

The observation process will be guided primarily by the Constitution and legal framework of the Republic/Kingdom of as read with relevant regional and international election instruments.

The COMESA Electoral Observation Mission welcomes the opportunity to contribute to the democratic process in (country) and looks forward to the cooperation of all (nationals).

Issued by Mr. Sindiso Ngwenya

COMESA Secretary General

10 September 2021

Contact:

Ms. Sharon Ndlovu, Mission Coordinator

Hotel COMESA

Tel: + 260 211 229725 - 32/ Email: sndlovu@comesa.int

Attached: Delegation List [by name, gender, country/organization, and political affiliation (where applicable)]

CODE OF CONDUCT FOR COMESA ELECTION OBSERVERS – ANNEX B

Introduction

1. This Code of Conduct is drawn from and is consistent with; inter alia, the COMESA Treaty, OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, African Charter on Elections, Democracy and Governance, and the Declaration of Principles for International Election Observation and Code of Conduct for International Observers.

Respect for the Country's Laws and Relevant Authorities

2. COMESA observers are guests of the country holding elections. For this reason, they must respect the constitution and laws of the host country. Observers must also respect the authority of the government/state agencies and EMBs and abide by lawful instructions issued by these bodies.

Protecting the Integrity of the Mission and of COMESA

3. COMESA's core values include professionalism, integrity, quality leadership, teamwork and respect for each other. Those nominated to be part of COMESA observer missions do so on behalf of the organization, and not the countries of which they are nationals or political parties to which they belong. They are therefore expected to protect the integrity of the COMESA by respecting the Mission's established lines of communication and authority, and are bound by this Code of Conduct, and the Mission's terms of reference. A key requirement in this regard relates to participation in all of the Mission's briefings and training activities and respect for lawful instructions and guidelines issued by the Mission leadership.

Declaration of Conflict of Interest

4. Observers are required to make known to the Mission leadership or Mission Coordinator, any conflict of interest or potential for such conflict. It is the responsibility of the Mission leadership in consultation with the Mission Coordinator, or the Secretary General, to make a determination of the likely impact of the reported conflict of interest on the integrity of the Mission, and by extension, on COMESA. Since observers are largely drawn from neighboring countries and may therefore have political, business, or social interests in the country being observed, particular care must be taken to ensure that the integrity of the Mission is not compromised. Where conflict of interest is detected, mitigation measures may include withdrawal of the affected member from the Mission or deployment in an area where the identified or perceived conflict may not arise.

Financial and material inducement

5. COMESA observers shall neither accept nor attempt to procure any gifts, favors or inducements from those involved in the electoral process. In their interactions with local and national authorities, COMESA observers must be wary of the perception that because COMESA is an inter-governmental organisation observing elections in its member states, its observers may not be entirely impartial. In this regard, great care must be taken to ensure that any assistance extended to COMESA by the host country, does not go beyond normal diplomatic courtesies accorded to any other inter-governmental organization.

Impartiality

6. The credibility of any election observer mission rises and falls on the real or perceived impartiality of its observers. For this reason, and because the primary function of an observer is to evaluate the process and not the outcome, COMESA observers shall maintain strict impartiality at all times – official and unofficial alike. They shall not express any preferences in relation to authorities, parties and candidates. In addition to not displaying or wearing any partisan symbols, colors or banners, great care must be taken

in the choice of the Mission's election regalia to avoid unintended semblance with any of the contestants' apparel. COMESA observers shall not accept anything of value from political competitors or accept invitations to events that may make the observer appear in a manner that might be interpreted as endorsing any of the contestants.

Accuracy and professionalism

7. Elections are politically sensitive and complex processes. A seemingly innocuous statement by an observer mission of COMESA's stature could easily undo the entire electoral process and cause widespread conflict and instability in the affected country and the region at large. For this reason, only observed, factual and verifiable phenomena shall be used to draw conclusions. Where inferences are drawn from secondary data, proper citation and qualifications shall be made. Observers must clearly distinguish subjective factors from objective and verifiable evidence. It is not unusual for observer reports to be used as evidence in election petitions hence the need for methods used to acquire the information to be disclosed fully and for sources, places and time-frames to be correctly identified.

Non-interference with the process

8. COMESA's mandate in electoral processes is limited to observation as opposed to monitoring. An observation mandate does not carry the right or authority to interfere with the process even if there are aspects that do not comply with the constitution and laws of the host country or regional and international conventions. Observers record their findings and observations with a view to making such findings and observations part of their overall assessment of the process. At all times, observers' interactions with election officials, candidates, party agents and other observers shall only be as prescribed by law. At no time may observers inquire into voters' political and electoral preferences or seek to direct the process.

Handling the media

9. The right to and freedom of information are fundamental rights without which democracy cannot be fully exercised. During elections, one of the main interests of the media is to know and inform the public whether observers adjudge an electoral process as free and fair or not. While COMESA's media strategy is to keep the media regularly informed of the relevant process aspects of the election, the onus is on all COMESA observers to ensure that none of their statements, including those made in private are open to misinterpretation in the media. Interaction with the media shall primarily be through the Mission Leader, Mission Coordinator, and Secretary General. In the field, this responsibility may be extended to team leaders. A media advisor may be appointed as necessary.
10. Far from avoiding the media, if approached, observers may refer the media to a designated spokesperson or explain the Mission's observation strategy and terms of reference. As a rule, observers must be polite to media representatives and assume that any statement or comment made to reporters both in public and in private may be recorded and reported in a manner the media see fit. For this, COMESA observers should refrain from making personal comments on local political events.

Personal conduct

11. Election observation places observers in unfamiliar and sometimes discomforting social contexts. In their personal and professional interactions with others, COMESA observers are required to maintain the highest standards of personal behavior and professional conduct. Sensitivity for other cultures and customs, including through dress and speech are critical for successful election observation. In this regard, prior to the arrival of observers, the Mission secretariat, shall issue an advisory note to all nominated observers.

Safety and security

12. The safety and security of observers is as much the responsibility of the host country and COMESA as it each individual observer's. In addition to pay attention to the Mission secretariat's advisory note and briefings by local and national security agencies, observers are expected to use common sense and good judgment. For example, display of jewellery, cash and other valuables exposes the individual to personal risk. Observers are required to have in their possession identification provided by the EOM, display and present it as required by relevant authorities. Whether such identification is displayed at all times including outside the official line of work is subject the local context.

Cooperation with other observers

13. Without compromising the integrity and autonomy of the COMESA EOM, cooperation with other domestic, regional and international observers may be considered. This may include exchanging notes in the field, and in some cases, issuing joint goodwill statements or declarations. The Mission leadership and the COMESA Secretariat shall define the cooperation framework.

Enforcement of the this Code of Conduct

14. As a prerequisite for accreditation, all COMESA observers shall read, understand and sign a pledge to follow this Code of Conduct. This code of conduct shall be read in conjunction with and does not supersede national election authorities' codes of conduct for election observers. In the event of fundamental conflict between this Code of Conduct and that of the national election authorities, the Secretary General shall guide the observer mission accordingly.
15. Should an observer violate this Code of Conduct, the Mission leadership shall conduct

an inquiry into the matter. If the violation is proven, sanctions may include a verbal or written warning, re-deployment to a different location, or in serious cases, withdrawal of accreditation and dismissal from the EOM. The authority for such a determination rests solely with the Mission leadership and the Secretary General of COMESA.

Respect Sovereignty and International Human Rights

16. Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

PLEDGE TO THE CODE OF CONDUCT – ANNEX C

COMESA ELECTION OBSERVATION MISSIONS PLEDGE TO ABIDE BY THE CODE OF CONDUCT

I (Print Name) having read and fully understood the Code of Conduct for COMESA Election Observers hereby pledge that I will abide by the Code of Conduct and conduct myself completely in accordance with it. Specifically, I:

- Will maintain strict impartiality at all times and base all my conclusions on factual and verifiable evidence,
- Will respect national laws and the authority of election officials,
- Will maintain proper personal behavior and respect others, including exhibiting sensitivity for local cultures and customs, exercise sound judgment in personal interactions at all times, including leisure time,
- Will protect the integrity of the COMESA election observation mission and will follow the instructions of the observation mission,
- Will attend all briefings and training activities required by the Mission and will cooperate in the production of its statements and reports as requested,
- Will not make personal comments, observations or conclusions to the media or the public before the Mission makes a statement.
- Have no conflict of interest of any nature that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

Signed _____ Date _____

INDICATIVE TERMS OF REFERENCE - ANNEX D

COUNTRY X ELECTIONS

COMESA ELECTION OBSERVER MISSION(DATE)

1. The COMESA Election Observer Mission to the (20xx) (Country) Elections is guided by the following terms of reference:
2. Normative Framework
 - a) Constitution of the Republic/Kingdom of xxxx,
 - b) Election-related legislation, regulations and codes of conduct
 - c) Regional and international conventions including the African [Banjul] Charter on Human and Peoples' Rights (1981), the Constitutive Act of the African Union (2002), the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (2002) and African Charter on Democracy, Elections and Governance (2010), and
 - d) COMESA Election Observation Guidelines and Code of Conduct (2013)
3. Terms of Reference

The observation mission will conduct an independent, objective and impartial analysis of:

- a) The country's historical, socio-economic and political environment and the extent to which it impacts on the credibility of elections,
- b) The country's constitutional and legal framework and the extent of compliance with the regional and international election instruments,
- c) The extent of compliance with the country's constitutional and legal framework
- d) The political environment and existence or lack of an environment conducive for

a level playing field

- e) Funding of elections, parties and campaigns – adequacy, transparency, equity
- f) The status of EMBs in relation to independence, impartiality, accountability and financing as well as stakeholder confidence
- g) Integrity of the ballot as well transparency and legitimacy of the entire electoral process
- h) Voter registration and comprehensiveness, inclusivity and availability of the voters roll
- i) The campaign process, respect for fundamental rights and freedoms as well as political contestants’ compliance with codes of conduct,
- j) Political and campaign finance including the use of public resources
- k) Access to information on the electoral process and the role of various stakeholders (voter education)
- l) Security environment,
- m) Participation of women and other disadvantaged population groups as party
- n) activists and leaders, voters, candidates and election officials,
- o) Access to and quality of media coverage as well as media freedom,
- p) Use of information communication technologies (ICTs),
- q) Polling arrangements including adequacy and location, supply of election material, secrecy of the ballot, and related administrative arrangements,
- r) Voter turnout and voter apathy (where the latter applies, a reflection on the participation of difference population groups – men, women, youth – is useful)
- s) Counting, reconciliation, verification, tabulation and declaration of results,
- t) Stakeholder attitude towards the election results and the process and the post-voting environment,
- u) Conflict resolution mechanisms both formal and informal, and
- v) The role of local and other observers relative to regional and international standards.

4. At the end of the observation process, the Mission will make public its observations through a signed Interim Statement highlighting the Mission's overall assessment of the process, observed good practices, challenges, and recommendations. The statement will also pronounce on the freeness and fairness of the process vis-à-vis regional and international standards.
5. The final comprehensive Mission Report will be published not more than ninety (90) days from the declaration of results. In addition to being formally presented to the EMB, relevant government agencies, political parties and presidential candidates and key civil society and faith-based organisations, the diplomatic community, the report will be available electronically on the COMESA website: <http://www.comesa.org>

ORIENTATION PROGRAMME – ANNEX E

(COUNTRY) ELECTIONS (DATE) COMESA OBSERVERS ORIENTATION PROGRAMME

DAY ONE

- Official Opening by the Secretary General
- Welcome Remarks by the Mission Leader
- Introductions, Terms of Reference and Role of the COMESA in Elections Observation (Mission Coordinator)
- Elections Observation Instruments, Principles, and Methodology (Resource Person)
- The Elections Context (political, legal, constitutional, voter registration) and update in (country) (Academic/political scientist)

DAY TWO

- The Preparedness of the EMB (Representative of the EMB)
- Presentations by Political Parties (45 minutes each party)
- Role of Non-Governmental Organizations in Elections in (country) (NGO representative)
- Media Coverage of Elections (Representatives of electronic and print media)

DAY THREE:

- COMESA Election Observation Responsibilities
- Deployment Plan. Security Arrangements and Code of Conduct
- (Mission Coordinator)
- Accreditation
- Official Launch of the Mission
- Departure of Teams to Field Locations

DAILY REPORT FORM – ANNEX F

(COUNTRY) ELECTIONS

COMESA ELECTION OBSERVER MISSION (DATE)

DATE: _____ TEAM NAME/NUMBER _____

PROVINCE: _____ CITY/ DISTRICT/CONSTITUENCY/WARD _____

SUMMARY OF ACTIVITIES UNDERTAKEN AND MEETINGS ATTENDED (Including names of persons, organizations and designations, times, places and issues discussed as well as key observations – in relation to the terms of reference. Where appropriate, please include supporting documents such as written complaints, newspaper cuttings, photographs etc).

SPECIFIC ISSUES FOR NOTING AND/OR RECOMMENDATIONS

1. _____
2. _____
3. _____
4. _____

OBSERVERS' NAMES AND SIGNATURES

VOTING DAY CHECKLIST – ANNEX G

(COUNTRY) ELECTIONS

COMESA ELECTION OBSERVER MISSION (DATE)

(One form per team per polling/voting station)

Province: _____ District _____ Constituency/Ward/County _____

Voting Station: _____ Voting Station No: _____

Arrival Time: _____ Departure Time: _____

STATION OPENING PROCEDURES

(This section should be completed ONLY at the 1st polling station visited on voting day)

Were these procedures followed?	Yes	No
1. Ballot boxes shown to be empty?		
2. Ballot boxes correctly sealed?		
3. Do polling agents and monitors record seal numbers?		
4. Each polling station shall be equipped with ballot papers with serial numbers, ballot boxes, voting booths, pens; copies of the voters roll, seals etc		
5. Are all materials checked prior to the beginning of the voting?		
6. Time opening procedure began:		
6. Time first ordinary person voted:		
7. Late Opening (please provide reasons and remedial measures)		

OUTSIDE THE POLLING STATION:

1. Is the polling station well advertised/easily identifiable? Yes/No (please encircle answer)

2. How many people were waiting when you arrived? _____

3. How long have people at the front of the queue been waiting? _____

4. Are there people wearing party colours or campaigning within or around the polling centre?
Y/N

INSIDE THE POLLING STATION:

5. Briefly describe the scene inside the polling station. Is it orderly and calm? Is it noisy and chaotic?

6. How many accredited polling officials are working in this centre? Male _____
Female _____

7. Do the officials appear to be well trained, confident and in control of the process? Y N
Give details _____

8. Do polling station officials appear to be impartial? Y N
Give details _____

9. Do polling officials have all the material required to perform their task? Y N

10. What proportion of polling officials have received training from the IEC _____

11. What proportion of polling station officials have worked as polling officials in previous
elections? _____ out of _____

12. Presiding/Returning Officer's gender? _____

13. What time did the polling station open this morning? _____
14. On average how long is it taking one person to vote? _____
15. Are polling station staff responsive to voters with disabilities, the elderly and pregnant women? _____
16. Approximately how many potential voters have been turned (away) so far today? _____
17. Why? _____

18. Have any citizens or party agents registered complaints with the Presiding Officer? State the nature of complaints and how they have been addressed?

19. Are people in the polling station able to vote using means other than those prescribed in the law? Y N Comment _____
20. How many other domestic or international observers are present? _____
21. From which organisations? _____

22. How many political party representatives are present? _____ from which parties _____

23. Ask the people who have voted, and those still waiting. How do you feel the process is going? _____
24. Ask party agents about their assessment of the process thus far. _____

25. Ask other observers about their assessment of the process thus far. _____

26. Are security officer(s) present, what is their role? _____
27. What is the role of local and other observers?
28. What is the nature of media engagement with the voting process?

OVERALL ASSESSMENT

29. Overall, do you think that the process at the polling station could be characterized as
- (a) Going on well Y N or
 - (b) Having some small problems, which will not affect the overall integrity of the process Y N or
 - (c) Having serious problems which will affect the overall integrity of the voting process Y N

OBSERVERS' SIGNATURES

INTERIM STATEMENT TEMPLATE – ANNEX I

Interim Statement

COMESA ELECTION OBSERVATION MISSION COUNTRY X ELECTIONS

INTRODUCTION

(Background and context including the deployment of COMESA observers, issuance of the invitation to observe, leadership and size of delegation).

METHODOLOGY

Describes in one paragraph methodological aspects of the Mission including fieldwork, scope of work and observation instruments in operation.

FINDINGS AND OBSERVATIONS

(A brief description of relevant aspects under each sub-heading followed by a statement of the Mission's assessment of the provisions/situation).

Constitutional and Legal Environment

Election Management Bodies

Political Environment and the Campaign including security considerations

Nomination and Registration of Candidates

Conflict Management Mechanisms

Voter Registration and the Voters' Register(s)

The Media

Civic and Voter Education

Political and Campaign Finance

Voting/Polling Arrangements

Gender Representation and Participation

(An assessment of the quality and quantity of representation and participation of men and women as voters, candidates and election officials)

Polling Stations and Counting Centres

(Neutrality of location, accessibility, adequacy, publicity)

Party/Candidate Agents and Observers

(Rights, access to the process and presence)

Voting Operations

Counting of Votes and Declaration of Results

Appeals and petitions (where applicable)

BEST PRACTICES

(Lessons for other member states)

RECOMMENDATIONS/AREAS OF IMPROVEMENT

- To the Government (including parliament)
- To the EMB
- To political parties
- To citizens and civil society groups
- To local and international observers
- To COMESA
- To development partners

CONCLUSION/VERDICT

(Outcome of the process: free and fair? Reflection of the will of the people?)

ACKNOWLEDGEMENTS

(Note of gratitude)

Done at (capital city), country, this (day) of (month), (year) in English, French and Arabic, all texts being equally authentic.

Names and Signatures of Observers – Mission leader(s) first and the rest in alphabetical order

FINAL MISSION REPORT TEMPLATE – ANNEX J

COMESA ELECTION OBSERVATION MISSION COUNTRY X ELECTIONS

The following is the suggested structure for a COMESA Final Election Observation Mission Report.

1. Title of the Report
2. Table of Contents
3. List of Acronyms
4. Acknowledgements
5. About COMESA
6. Executive Summary

A. INTRODUCTION

- Political, Socio-Economic Context including demographics
- Terms of Reference
- Observation Methodology

B. ELECTORAL FRAMEWORK

- The Constitutional and Legal Framework
- EMBs
- Electoral Justice

C. POLITICAL ENVIRONMENT

- The Campaign
- Political Parties and Candidates
- Civil Society
- Media

- Government and Independent Agencies (civil registry, human rights commission, anti-corruption commission etc)
- Security Environment

D. ELECTORAL PROCESS

- Voter Registration
- Civic and Voter Education
- Delimitation of Electoral Boundaries
- Nomination and Registration of Candidates
- Political and Campaign Finance
- Gender Participation and Representation
- Voting Operations (polling stations, polling officials, party/candidate agents)
- Domestic and International Observers
- Campaign
- Media Coverage

D. THE VOTE AND THE COUNT

- The Vote
- The Count
- Declaration of Results

E. POST-ELECTION DEVELOPMENTS

- Political Environment
- Election Petitions

F. GOOD PRACTICES/LESSONS LEARNED

G. AREAS WHERE IMPROVEMENT IS NEEDED (RECOMMENDATIONS)

- To the Government (including Parliament)

- To the EMB
- To political parties
- To citizens and civil society groups
- To local and international observers
- To COMESA
- To development partners

H. CONCLUSIONS

- Overall Assessment of Electoral Process

I. APPENDICES

COMESA is the largest Regional Economic Grouping in Africa, with 19 Member States. COMESA was established in 1994 as the successor of the Preferential Trade Area for Eastern and Southern Africa (PTA), which came into existence in 1981. The PTA was enshrined within the framework of the Organization of African Unity's (OAU) Lagos Plan of Action and the Final Act of Lagos. COMESA is one of the eight regional groupings that form the building blocks of the African Economic Community as envisaged in the Abuja Treaty.

COMESA 's vision is that of a fully integrated, internationally competitive regional economic community; a community within which there is economic prosperity as evidenced by high standards of living for its people, political and social stability and peace, and a community within which goods, services, capital and labor are free to move across national borders.

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