

**Directive on Accreditation, Working Procedures and Code of Conduct for International
Election Observers No. 11/2021**

Chapter One

General Provisions

Article 1. Issuing Authority

The National Electoral Board of Ethiopia, by the power vested upon it under article 8(1) of the National Electoral Board of Ethiopia Establishment Proclamation No. 1133/2019 and article 116(2) and 117 and 163(2) of The Ethiopian Electoral, Political Parties Registration, and Election's Code of Conduct Proclamation No. 1162/2019 has issued this directive.

Article 2. Short Title

This directive may be cited as the *"International Election Observers' Directive No.11/ 2021."*

Article 3. Definition

Unless the context otherwise requires in this directive:

1. **"Proclamation"** means The Ethiopian Electoral, Political Parties Registration, and Election's Code of Conduct Proclamation No. 1162/2019.
2. **"Board"** means the National Election Board of Ethiopia established under Proclamation No. 1133/2019.
3. **"International Election Observer"** (hereinafter referred to as **"Observer Group"**) means a Foreign Government or International, Regional or Sub-Regional Organizations, or Governmental and Non-Governmental organizations operating in or out of the country and invited, on the basis of international treaties ratified by the country, by the government to observe elections.
4. **"Accreditation Card"** means a card issued by the Board to an accredited international observer or member of the group for observing the electoral process.
5. **"Liaison"** shall mean a person with a duly authenticated power of attorney from the appropriate government organ who represents an international observer applied for accreditation and who shall sign on, send or receive any correspondences or documents from the Board.

6. “**Observer**” means a person accredited by the Board to observe election on behalf of an accredited International Election Observer group or institution.
7. “**Support Staff of International Observers**” means a person employed by an international observer such as driver, translator, or a person who performs secretarial services and other activities related to election observation and who shall not, in any manner, involve in election observation activity.
8. “**Electoral Process**” means voter registration, candidate registration, electoral campaign, mass media accessibility, voting, vote counting, tabulation of provisional result, election dispute resolution and official announcement of election result.
9. Unless the context otherwise requires definitions in the Proclamation shall apply to this directive.

Article 4. Scope of Application

This directive shall be applicable on governments, institutions or organizations and their representatives accredited to be international election observers on the basis of invitation by the government of Ethiopia and in accordance with the Proclamation and this directive.

Article 5. Gender Reference

In this directive, provisions set out in one gender shall also apply to the other gender.

Article 6. Objective

The Objective of this directive is to ensure the credibility of the electoral process and regulate accreditation, working procedure and code of conduct of international observers.

Chapter Two

Procedures for Application and Accreditation

Article 7. Invitation of International Observers

1. The government through the Ministry of Foreign Affairs may invite international observers to observe the electoral process in accordance with article 114(2) of the Proclamation

2. The Ministry of Foreign Affairs shall fill out detailed information of observers registered in accordance with invitation made as per sub -article 1 of this article and communicate same to the Board.
3. The Board shall only give accreditation to those observers who applied following an invitation by the Ministry of Foreign Affairs and received preliminary approval from the same.
4. Accreditation shall not be given to individual observers. However, an individual can be a member of an accredited international election observer group or institution and issued an accreditation card to observe the election only on behalf of the institution or group.

Article 8. Registration and Accreditation of international Observers

1. International observers invited by the Ministry of Foreign Affairs as per article 7 of this directive, shall submit application form prepared by the Board that contains all required information for accreditation.
2. The Board shall notify receipt of the filled-out form and all supporting documents respectively as per sub-article 1 of this article and article 11 sub-article 2 of this directive.
3. An international election observation institution or group shall submit an application both for its accreditation and issuance of an accreditation card for observers it deploys for observing the election
4. The Board may at any time request additional information or evidence it deems necessary.
5. The Board shall notify its decision to the election observer institution or group via email, fax, a letter or in person.
6. Observers shall be responsible for ensuring that forms are properly filled out, all relevant supporting documents are annexed and sent to the correct address.
7. The Board shall issue an accreditation for the international election observer after having ascertained that the institution or group has agreed to abide by the proclamation and this directive and signed a code of conduct prepared thereof by the Board.

Article 9. Eligibility to become an observer of an international election observer group

An international observer group can only deploy as an observer a person who

1. Is not an Ethiopian citizen;
2. Do not have past record of ethical misconduct; not wanted in Ethiopia in relation with commission of serious crimes or deported from Ethiopia; and

3. Have no political, economic or any other relationship or conflicts of interest with any political party or independent candidate participating in the election;
4. Shall not manifest any partiality to any issue of domestic politics, political standing, group or political party.
5. Shall certify submission of a signed code of conduct along with application for accreditation that shall be in writing.

Article 10. Work Permit for Supporting Staff of International Observers

1. In order to employ support staff an international observer shall apply for a work permit to the Board.
2. These staff to be employed by the observer shall, as appropriate, fulfill the requirements specified under article 8 of the “Local Election Observers’ Accreditation, Working Procedure and Code of Conduct Directive No. 5/2020”.
3. The type of work and job description of the supporting staff shall be annexed to the application to be submitted under sub-article (1) of this article.

Article 11. Application for Accreditation

1. An application, submitted as per article 8 of this directive, for accreditation by an international election observation group must contain the following information: -
 - a) Name of the observer group, address and other contact details
 - b) Name of the head of the institution or group;
 - c) The electoral process the institution or group intends to observe;
 - d) Name and contact details of the liaison of the international election observation necessary for communication; and
 - e) The number and expected date of arrival of observers to be deployed by the institution or group.
2. The following documents shall be annexed to the application for accreditation:
 - a) A duly authenticated power of attorney given to the liaison by the institution or group to sign on as well as receive and submit documents on their behalf
 - b) Copy of passport and identity card or any document that proves identity of the liaison and support staff and two recent passport size photographs that, at the back, bear the name of the observation institution or group.

- c) A document signed by the observer attesting commitment to comply with provisions of this directive and verifying its individual observers received adequate training.
 - d) Evidence of legal personality where applicable;
 - e) Data collection method it employs for election observation.
3. The observation institution or groups shall make every effort to maintain the gender balance of observers. It shall also provide the list of observers disaggregated by gender. Similarly, its methodology shall give due consideration to gender and participation of women.
4. In addition to the list under this provision the international observation institution or group shall provide any information requested by the Board.

Article 12. Decision on application for accreditation by observation group

1. The Board shall give a decision on application for accreditation expediently.
2. The Board may reject an application for accreditation if incomplete or presented after the deadline.
3. The Board may decide that incomplete and inaccurate applications be corrected and completed forthwith.

Article 13. Rejection of Application for Accreditation of an Observer

1. An application for accreditation of an observer shall be rejected for the following reasons
 - a. If the observer does not fulfill the requirements set out in this directive and the Proclamation;
 - b. If the observer it deploys is under the age of 21;
 - c. If s/he is suspected of serious crime;
 - d. If s/he is known for ethical misconduct;
 - e. If the name of the observer is found under the list of any other foreign or domestic observers or agents of political party or an independent candidate,
2. The Board may still reject an application for accreditation of an institution or group that fulfills all the requirements under this directive if it, on the basis of sufficient evidence, doubts the impartiality of the group or institution.

Article 14. Issuance of accreditation card for observers

1. If an application for accreditation is granted, an accreditation card will be issued to the representatives of the accredited observer.
2. The accreditation card shall have the following information-
 - a) The Board's Logo;
 - b) Name of the Observer;
 - c) Citizenship of the observer;
 - d) The name of the institution the Observer represents;
 - e) Recent photograph of the Observer;
 - f) Stamp of the Board;
 - g) Effective date of the accreditation card;
 - h) Accreditation card's number;
 - i) Signature of Authorized Personnel of the Board.
3. The Accreditation card will be valid until the observation group submits its final report to the Board.
4. When the accreditation cards are ready, the liaison or authorized person shall receive the cards and distribute to the observers of the institution or group.
5. When an accredited observation institution changes its observer or when the institution or the observer quits its observation, it shall collect the accreditation card and return them back to the Board.
6. As appropriate an accreditation card containing similar information referred to in sub-article 2 above will also be provided to translators hired by the observation group. The provisions of this article regarding effective date, distribution and return of the accreditation cards to the Board shall also apply to accreditation cards issued to translators.

Article 15. Conditions for Revocation of Accreditation

1. The Board may, on its own or on the basis of convincing information it receives from any interested party, revoke accreditation granted to an observer or registered observer group for the following reasons:

- a) Accreditation has been granted without fulfillment of requirements under this directive.
 - b) Non-compliance with lawful instructions or orders by an election official.
 - c) Clear manifestation of partiality towards a political party or a candidate.
 - d) Commission of any activities that disrupts or obstructs the duties of an election officer
 - e) Violation of this directive, other laws and regulations.
2. The Board shall prior to revoking the accreditation of the institution/group or its representative give the liaison or authorized personnel an opportunity to comment on the matter.
 3. If the Board revokes the accreditation given to an Observer, it shall notify its decision to the relevant liaison or duly authorized representative of the group. An Observer whose accreditation has been revoked shall immediately return the accreditation card to the Board through the liaison or representative of the group.
 4. The reason for the revocation of the accreditation of the observation group or the Observer shall be stated in the decision of the Board.
 5. Complaints by an international observer group or its Observer relating to revocation of an accreditation can be submitted to the Board through the liaison or head of the institution or group.

Chapter Three

Rights and Duties of Observation Institutions or Groups and their Observers

Article 16. Rights of Election Observers

Any election observation group or its Observer:

1. Except for any advice from the appropriate government organ that explicitly relates to peace and security reasons, has the right to travel and observe the electoral process anywhere in the country without the need for prior authorization or notification.
2. Has the right to seek and receive timely assistance from the Board, relevant election officials and local authorities in relation to compelling peace and security issues.

3. Shall have the right to observe, seek and receive any information regarding the electoral process from polling stations, constituency offices and regional branch offices;
4. Shall have the right to examine election documents and observe voting and vote counting process;
5. Shall have the right to report to the Board or Board's offices at various levels any observations and shortcomings witnessed regarding the electoral process;
6. Shall have the right to be free from undue influences by any governmental or other institution or individual;
7. Shall have the right to give official statements to the public regarding findings, observations, or conclusions;

Article 17. Duty of election observers

1. Election Observers shall have the following duties:
 - a) Respect the sovereignty of the country;
 - b) Understand and respect the proclamation, directives and other relevant laws of the country and decisions of the Board;
 - c) Non-interference with internal affairs of the country;
 - d) Not to carry firearms at any given time and under any circumstance.
 - e) Sign the code of conduct for observers prepared by the Board
2. Where the Board on its own or information it receives from any interested person proves violation of the code of conduct provisions of this directives it may
 - a. Give an advice or warning to the observer institution or group to take corrective measures.
 - b. Revoke the accreditation depending on the gravity of the offence.
 - c. Refer the case to the relevant organ if the offence committed constitutes a crime in accordance with pertinent laws.

Article 18. Demonstrating Good Character and Professional Ethics

Observers whether on or off duty shall:-

1. Be respectful for citizens and their cultures;
2. Demonstrate good behavior and be respectful to others
3. Provide a balanced opinion regarding the election;
4. Perform their activities in line with utmost professionalism;

Article 19. Displaying of an accreditation card

Observation groups or their Observers: -

1. Must, at all times during their observation, visibly put on/wear the accreditation card and badge issued to them by the Board.
2. Must immediately show their ID card and badge proving their identity upon request by the appropriate organs.

Article 20. Duty to ensure professionalism and authenticity while issuing statements of findings and conclusions

Observer groups shall:

1. Give their opinion or draw conclusions on the basis of appropriate empirical data as well as clearly differentiating facts from personal views and making an impartial analysis.
2. Differentiate between relevant and non-relevant issues, focus on issues that may have a significant impact on the credibility of the election and ensure that election observation is made in a comprehensive manner.
3. Conclusions must be based on verifiable evidence. If encountered with any issue that would lead to a complaint they should critically examine the entire process before reaching to any conclusion.
4. Take all necessary measures to confirm findings and conclusions regarding the electoral process are based upon concrete evidence. Unverified issues should be clearly stated on the observation report.
5. Describe procedures adhered.
6. Ensure that data is systematically, clearly and unequivocally gathered, compiled and published.
7. Take all necessary measures to ensure information collected, used, or published is obtained directly and can be substantiated.
8. Prior to receiving any damaging allegation regarding election officials or any stakeholder participating in the electoral process take all necessary measures to seek and receive opinion or responses of appropriate organs of the Board.

Article 21. International Observer Groups' duty to report

Report of an international election observer group shall be presented in the following manner: -

1. An observer shall prepare and submit, as per schedules of the observer group, a detailed report after the announcement of result at polling station or constituency to which he/she has been deployed
2. Any observation group may prior to its final report issue statement of preliminary findings and conclusions any time shortly after election day. It should clearly state that any statements made are based on the preliminary findings and not final report of the group.
3. Any observation group may make public statements on the basis of its final detailed report regarding electoral process it observed only after official announcement of election result and on dates set by the Board. Prior to making the public statement it has to submit its final report to the board and conduct the necessary consultation in relation to same.

The report shall include: -

- a) Number of regions, zone, constituency or polling station covered during observation and data collection methods employed;
- b) Gender representation, participation of persons with disability and people in vulnerable situations, the challenges and proposed solutions.
- c) Issues of observations and data used during each electoral process- voter registration, candidate registration, election campaign, voting, vote counting and announcement of result.

Chapter Four

Code of conducts for International Observers

Article 22. Respecting the Powers of Election Officers

Any accredited observer shall:

- 1- Respect and comply with any lawful instructions and orders of the Board and election officer at different levels as well as peace and security and other government organs.
- 2- Cooperate with election officials as well as other observers and stakeholders.

Article 23. Duty to refrain from providing advice

Any accredited observer:

- 1- Shall not provide instruction or advice in relation to responsibilities of election officers.

- 2- Shall merely observe the process and not be part of the adjudication process by the grievance hearing committees.

Article 24. Impartiality

Any accredited international observer group or an observer shall:

1. Perform their tasks impartially; and refrain from any activity that affect its impartiality or manifests partiality towards any organs;
2. Even if observers may attend political party or independent candidate events, they shall not participate in visits, ceremonies or such other activities organized by these organs that may manifest their partiality to these political parties or independent candidates.
3. Refrain from supporting or criticizing any party or individual candidate and participating in any issues relating to government officials, candidates, political parties, the media and voters or in any controversial electoral issue in a manner that show any partiality
4. Refrain from displaying, putting, hanging, affixing in his premises or carrying or wearing symbols and election campaign materials of political parties and independent candidates.

Article 25. Respecting Secrecy of the ballot and voters' right

Any accredited observer group or an observer shall:

1. Refrain from asking voters whom to vote or to whom they casted their ballot.
2. Not use video or voice recorder in a manner that may disrupt the election process.
3. Not enter into or use any camera, voice or video recorder inside voting booth or area designated for this purpose.
4. Not photograph, film or interview any voter or person present to register to vote without their consent.
5. Not allowed to hide and film or take a picture or receive such recordings when a voter marks on a ballot paper or when registration information is being entered in a document.
6. Not film, photograph, photocopy voters' register, ID card or any other document in a manner that violates the privacy of the voter.

Article 26. Duty not to accept or give benefits

Any international observer group or observer shall not enter into any agreement to accept or give, offers to give or receive or promises to do or not to do any activity related to election or act on behalf political parties, candidates, their supporters or any other person.

Article 27. Conflict of Interest

1. Any election observer's group or an Observer:
 - a) Shall notify the Board of any conflict of interest in relation to election observation activities.
 - b) Shall not engage in any activity that causes or may cause a conflict of interest.
2. If an observer of any election observation organization has experienced conflict of interest in property, finance, consanguineal/family relation or any other circumstances in his election observation work shall notify the constituency office he/she is deployed to and his observer group. If it's the election observation group who has faced with issues of conflict of interest, it shall notify to the Board's regional branch office and to the head office of the Board.
3. Anyone reporting or likely to report a conflict of interest in accordance with sub-article (2) above shall quit the observation and wait for the Board's decision.
4. When the Board receives a conflict of interest report from an observer or relevant election official, after investigating by its own whether or not the issue will obstruct the conduct of a free and fair election will decide to either allow the observer to remain there, relocate or may remove the observer from observing. It shall notify the relevant body of such decision.

Article 28. Integrity

Any international election observer's group or its Observer, as per article 18 and 19 of this directive, shall make sure that:

1. The information or report that it/he provides or disseminates at any time is credible, clear and unequivocal and supported by sufficient evidence
2. The report or information that it/he presents or disseminates is collected in accordance with acceptable methodology and appropriately compiled, published and signed.

Article 29. Sincerity

1. Any international election observer's group or its Observer shall show sincerity while observing the election.

2. When an Observer faces a situation that hinders him from discharging her/his duties, he/she shall immediately notify the liaison of the Observer group that deployed him/her.

Article 30. Cooperation and Covering cost

1. The Board:

- a) Will make efforts to provide necessary supports to observer groups or their Observers as well as non-confidential information whenever requested.
 - b) Shall make all the necessary arrangements to enable election officers at all levels, to the extent of their authority, help observers discharge their activities as specified in this directive and other pertinent laws of the country.
2. Every observer group covers all its costs. It also provides the required logistical support for all accredited Observers it deploys in Ethiopia.
 3. Each observer group has the sole responsibility for cost of transportation, communication, accommodation and other necessary support in connection with the observation. The Board is not responsible for any costs incurred in this regard. No observation group or Observer shall use any property, such as vehicle of the Board, governmental institutions or competing political party or an independent candidate.

Article 31. Prohibition of prior announcement of election results

Any international election observation group or its Observer, except as provided under article 20/2/ of this directive in relation to publicizing preliminary report shall not give any official statement or opinion in relation to election results, in or out of the country, prior to official announcement of results by the Board.

Chapter Five

Miscellaneous Provisions

Article 32. Repealed directives and procedures

Any directive or procedure which contradicts this directive shall not be applicable on matters covered by this directive.

Article 33. Effective Date

This directive shall come into force on February 18, 2021.

Addis Ababa

Birtukan Midekssa

Chairperson of National Election Board of Ethiopia

