

MID-TERM EVALUATION OF THE PROJECT

ENHANCING LEGAL AND ELECTORAL CAPACITY FOR TOMORROW

(ELECT)

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EXECUTIVE SUMMARY

Acknowledgement of accomplishments and constraints, goals of the review

The independent evaluation team has been tasked to evaluate the United Nations Development Programme (UNDP) Enhancing Legal and Electoral Capacity for Tomorrow (ELECT) project's performance in delivering technical assistance to the Afghan Independent Election Commission (IEC) and as a vehicle for support to the broader electoral process. While the outcome of the election and the certification of results has been a difficult process, the team strives to look at ELECT's activities and outputs for their own merit and separate from processes for which it was not responsible and over which it had no control.

Given the status of politics in Afghanistan and the significantly deteriorated security situation in the country as well as the past experiences of fraud and contentious results processes, it was predictable that the 2009 presidential and Provincial Council elections would be difficult operations in a fraught political environment. The difficulties of the Afghan context cannot be overstated in their impact upon electoral preparations and operations. These include the limitations that the climate places on the electoral calendar; the deterioration of the security situation – which is markedly worse than during the 2004/5 electoral cycles; the politics of Afghanistan – which impacted the election date during 2009 and shortened planning timelines; poor infrastructure and punishing landscape; and the limited experience of democracy in Afghanistan coupled with low levels of human development. The team commends the hard work and dedication of the ELECT team in delivering on every element of its mandate.

Therefore, it is not against ideal types of international standards that the team seeks to measure the project performance, but rather with the constraints and pressures clearly in mind. Attention is focused generally on problems that were encountered in order to assist in continuing to improve the planning and delivery of international election assistance in Afghanistan. The tone of the report, therefore, may be largely critical, but this should not take away from the remarkable accomplishment of having contributed to the conduct of these elections. Major problems did emerge that impacted the elections process both in the delivery of technical outputs and in program management and relations with stakeholders. Improvements can be made and it is incumbent upon ELECT, the UNDP Country Office, the United Nations Assistance Mission in Afghanistan (UNAMA), and donor countries to act quickly in order to make necessary changes in time to positively impact the Wolesi Jirga/District Council elections.

Project Structure

The ELECT project manages a basket fund dedicated to broad electoral support including technical assistance to the IEC, support to the Election Complaints Commission (ECC), technical support to domestic observers, and support to civic education. It is mandated to deliver a voter registry and the 2009 elections through its work with the IEC. The ELECT project is nearly half of the entire budget for the UNDP country office and is the vehicle through which the great preponderance of electoral support is given. For the voter registration and 2009 elections, ELECT had a budget of over 300 million USD. It is a huge project in which great political will and capital have been invested.

Despite the breadth of its responsibilities, ELECT's management is strikingly centralized, with the Chief Electoral Advisor (CEA) responsible for technical advice and support to recipient organisations, program management, and political advice to UNAMA. The CEA has no deputy and few people to assist in project coordination. She has an overwhelming workload. She also presides over a body that is rife with conflicts of interest: providing budget and assistance to oversight and watchdog bodies as well as the IEC and responsible for both technical and political advice. The project should not have been designed to encompass these conflicting mandates. The navigation of these conflicts of interest has not always been successful. Project stakeholders have a remarkable lack of trust in ELECT while the ELECT team itself suffers a bunker mentality. These tensions had an adverse impact on the credible delivery of election results.

Management style (including relations with donors and information handling)

ELECT has been criticized for a lack of transparency and relations with many stakeholders, including Afghan partners, have been intermittently combative. The pugnacious communication style of ELECT's senior management is either in response to the tensions caused by the inappropriate program structure or exacerbated the structural difficulties.

Complaints have been brought that include ELECT's slow and uninformative reporting, lack of cooperation with rules governing financial reporting and drawing down of funds, lack of cooperation in sharing information or making it appropriately accessible, and occasional hostility or resistance to proffered expert advice. Some of these complaints are petty, and some are serious. Petty complaints would never have been raised if relations were adequate. Serious complaints about transparency and receptiveness to outside assistance have validity, although the team recognizes that ELECT is constrained by its advisory mandate. Generally, ELECT was not fully cooperative with stakeholders, including donors.

Relations with recipient and partner organisations

Relations with recipient and partner organizations were uneven. Strong relationships were formed between many advisers and their counterparts, particularly those advisers fully embedded in smaller organizations such as the Foundation for Free and Fair Elections in Afghanistan (FEFA), which conducts domestic observation, and the Media Commission. The IEC management, though, struggled to assert ownership over the project (as distinct from rejecting technical advice offered) and remains disgruntled over the issue. ELECT generally regarded the IEC as incapable of conducting the elections and relinquished its capacity development mandate for a more direct implementation role. The IEC followed

the operational and procedural advice suggested by ELECT, which preserved that relationship but had some questionable outcomes for the elections. ELECT's attitude was that Afghanistan and the IEC required simplification of standard electoral practices.

At the same time, real or perceived problems with the IEC's partisan behavior existed. While ELECT accurately diagnosed the dangers of partisanship at the local and commission levels, it was unable to take effective mitigation measures against it, such as strengthening relations with the commission or developing IEC's capacity to internally process ethical issues.

The conflicts of interest inherent in the project structure were most pernicious in relations between ELECT and the ECC. Because the ECC is not a permanent body, it has been unable to advance its own structure and budget. This task has fallen to ELECT. While ELECT sees the ECC as a difficult partner and a burden on its program management unit, the ECC sees ELECT as attempting to minimize its resources and field presence. The struggle over the ECC's budget and structure significantly delayed the ECC beginning operations and has had an unfortunate impact on the ECC's outreach and capacity. This situation has the potential to play out again in the preparations for the 2010 elections. This is unfortunate considering the crucial role played by the ECC in the 2009 elections and the need for such a role to be capably filled for 2010.

Capacity building was not sufficiently emphasized and simple and standard practices, such as conducting and writing up lessons learned exercises, were neglected.

Delivery of Technical Outputs: Voter Register

Although the voter registration exercise was an operational success, the new voter register does nothing to correct the problems of the previous database. New voter registration cards were issued without effective safeguarding against multiple or proxy registration, and the register cannot produce voter lists for the 2009 or 2010 elections. The operation employed an expensive biometric data recognition system that had limited impact on the voter register given that cards were distributed before checks were made for duplicates in the registry. The usability of the voter register has actually been reduced as now there are two incompatible databases and the second has not been fully data entered. This means that whereas in 2005 serial numbers from the list of voters could be checked for validity against a database, this was impossible in 2009. Regrettably, it will be necessary to open registration again for the 2010 elections to allow people who turned 18 between the 2009 and 2010 elections to register. The approach to voter registration and the delivery of a complete and credible register must be revisited following the 2010 elections.

Presidential and Provincial Council Elections

The electoral operations have been carried out with a high level of operational effort, competence, and dedication. However, the goal of ELECT's support to the process was to minimize disruption and controversy, and this goal was not met. Even while the IEC managed to identify and confirm suspected cases of fraud, it was unable to prevent fraud and to appropriately handle the election results process. There were political, procedural, and operational reasons for this outcome, but the lack of anticipation of problems and corresponding planning to mitigate them played a significant role.

Highlighted problems include the count operations and procedures. The choice to count in polling stations was questionable. The reporting requirements during polling were deficient. The handling of information during the results process was problematic. Compliance with UNDP regulations also impacted the delivery of the election.

Recommendations for the future

The team recommends a reconsideration of the basic project structure. The CEA's three primary functions should be filled by separate individuals. Technical advice, program management, and political advice should be disaggregated. Technical advisers should be fully embedded within their respective organizations, and these organizations should have input into the structure of assistance. A capacity building team should be established to serve as a sort of ombudsman to the process and to provide some quality assurance to the delivery of technical assistance. Program management should be less independent and closer to the UNDP Country Office (if not actually co-located with the Country Office), direct high level UNDP supervision of this unit would help to smooth processing of requests and compliance with UNDP regulations. Political advice should be situated in UNAMA and staffed with personnel with expertise in both political affairs and elections.

ELECT as the unique vehicle for coordinating and delivering support to the broader electoral process can be reconsidered. Support to FEFA and to civic education, for instance, may be better delivered through separate projects.

Advice to the IEC for the 2010 elections needs to focus on fraud prevention as well as fraud detection and the handling of the election results process. Security will be a continuing concern. The ECC should be given full support and have the capacity to fulfill its mandate for the upcoming elections without extensive emergency measures.

Beyond 2010, the project should be entirely reconsidered based on the needs of the IEC as identified by a Needs Assessment Mission (NAM) and the requirement of seeking, if so decided, to deliver a complete and credible voter register before the 2013 electoral cycle, as suggested in Annex 3.

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11. Introduction and Acknowledgements

On September 22nd, 2009 the United Nations Development Programme (UNDP) deployed an independent mid-term external evaluation team for the Enhancing Legal and Electoral Capacity for Tomorrow (ELECT) Project, as foreseen in the Project Document (PRODOC). The four-member team led by Horacio Boneo included Katherine Collin, Catinca Slavu and Trevor George-Coker. The mission departed Kabul on October 15th 2009. Before its departure, the team held debriefings with the SRSG (Team leader only), Deputy SRSG/Development and UNDP Country Office Management, the ELECT Project and the Donors.

The approach adopted by the evaluation team included a desk review,¹ interviews and observation where practicable. In keeping with its Terms of Reference (ToR), on October 26th the evaluation team submitted a draft report through the UNDP Country Office for circulation to partners, stakeholders and contributors for their comments and subsequent incorporation by evaluators into the final report. Whenever possible, comments and suggestions received before November 4th have been incorporated into the text.

The evaluation objective was to *inter alia*, assess the ELECT project, including its specific contributions, efficiency and effectiveness, relevance and sustainability. The assessment encompassed strategic positioning and partnerships with the international community, United Nations Assistance Mission in Afghanistan (UNAMA), and the UNDP Country Office. Two broad areas highlighted in the ToR are the role of ELECT as vehicle of support to the electoral process as a whole; and its role as the main provider of technical assistance to the IEC. A major deliverable of the evaluation process will be recommendations incorporating a review of international support, lessons learned and best practices, national ownership and advice towards a post 2010 five-year strategy.

Security Council Resolution 1806/2008 conferred upon UNAMA the responsibility for coordinating international civilian support for the Afghan electoral process. UNDP/ELECT provided the

¹ The list of documents consulted by the Mission is attached as Annex1.

implementation vehicle for UNAMA to fulfil this mandate. Noteworthy are two substantive revisions² to the ELECT Project Document (ProDoc), increasing the total number of outputs from the original 3 to 8.

From its appraisal, the evaluation found that some outputs for various reasons were not or could not be fully achieved. Conclusions reached reflect the opinions of interlocutors, observations and the result of desk reviews carried out during the mission's deployment; and viewed through the prism of the results framework.

The evaluation team notes that Afghanistan is an exceptional country and a challenging one in which to deliver democratic dividends. The delivery of the August 2009 Presidential and Provincial Council Elections remains the first Afghan led elections; with support from UNAMA through UNDP/ELECT.

It should be noted that, as opposed to 2004/5 when the UN had an executive role in the electoral process, in partnership with Afghans, these were the first Afghan-led elections. The UN had no final say in electoral policy and ELECT was ultimately expected to act on policy decisions made by the IEC. This in itself is not so very unusual; however, it is perhaps unusual that the UN was required to support an electoral management body the neutrality of which was questioned by many. EAD in 2007 noted that while "there are numerous ways to manage the appointment process of electoral management bodies in many countries the executive and legislative branches both play a role in selection. Best practice is a widely consultative appointment process that results in a commission that is broadly accepted across party and ethnic lines, and is gender sensitive". Unfortunately, this advice was not followed.

It should also be noted that while ELECT did indeed take over the Security Council mandate to lead and coordinate operational support to the organization of the elections, UN political support to the electoral process was in UNAMA's and the international community's hands. There were many aspects of the electoral process – outside the scope of the involvement of ELECT – that fell significantly short of international standards. The SRSG, in concert with senior diplomatic officials, was intensely engaged in many of these issues. The SRSG held weekly meetings at the highest level with the international community, during which issues related to the electoral campaign and process were routinely discussed. However, some crucial operational decisions became political ones and to a certain extent ELECT³ was hostage to political negotiations in which it had little say.

Furthermore, the security situation in Afghanistan was clearly a substantial impediment to free and open elections. The security environment the United Nations operated under was probably one of the most challenging a UN electoral assistance project has ever experienced.

The ELECT project and the project team, given historical antecedents and the level of international attention on conflict-prone elections outcomes, deserve a special commendation for their dedication, selflessness, persistence and commitment in what has been an up-hill battle in many respects. This is not to detract from the contributions of the IEC, Electoral Complaints Commission (ECC), civil society partners, donors and other stakeholder inputs to the electoral process.

² Substantive revision No. 1 of July 2008; Substantive revision No. 2 of December 2008

³ Although the top manager of ELECT was also CEA to the SRSG and Head of the UNAMA's Electoral Unit and therefore involved in them, if requested advice.

In setting about fulfilling its mandate, the evaluation team had numerous meetings.⁴ The UNDP Country Office provided mission facilitation with support from UNDP ELECT. Amidst security concerns and time constraints, the mission was restricted to one field trip to Mazar-i-Sharif. However, the Team did meet with representatives of the following organisations and stakeholders: Senior staff of the Secretariat of the IEC; representatives of UNAMA (Political Affairs); chairman and commissioners of the ECC; representatives of the major presidential campaigns; representatives of International Security Assistance Force in Afghanistan (ISAF); representatives of other relevant implementing partners including IFES (International Foundation for Electoral Systems), The Asia Foundation (TAF), the National Democratic Institute (NDI), the Foundation for Free and Fair Elections in Afghanistan (FEFA), and other Afghan civil society organisations (CSOs); representatives of the donor community; representatives of international observer groups (European Union Elections Observation Mission (EUEOM), Democracy International (DI), NDI UNDP management and staff (ELECT and Country Office); representatives of the Organisation of Security and Cooperation in Europe (OSCE) Electoral Support Team (EST); and various political analysts (International Crisis Group (ICG), Afghanistan Analysts Network (AAN)).

The evaluation team would like to thank the following for making themselves available for discussion and debriefing: Kai Eide (Special Representative of the Secretary-General (SRSG)- UNAMA), Robert Watkins (Deputy SRSG/Development - UNAMA) and staff; Manoj Basnyat (UNDP Country Director) and staff of the Country Office – especially Harald Thorud and the Democracy and Governance Unit; Dr. Daoud Najafi (Chief Electoral Officer – IEC) and staff, Grant Kippen and commissioners (ECC), donors and members of the international community; observer and technical teams (EUEOM, DI, NDI, IRI, ICG, OSCE EST, TAF, IFES); representatives of presidential campaign teams; Afghan Civil Society Network; Margie Cook (Chief Electoral Adviser - CEA) and the ELECT Project team.

The following section details the overall objective of the evaluation, introducing the report’s structure.

12. Overall Objective of the Evaluation and Structure of the Report

According to the evaluation mission’s ToR, its main objective is to assess the specific contributions, efficiency and effectiveness, relevance and sustainability of the interventions of ELECT as stated in the project document. It will also assess the strategic positioning and partnership of the UNDP “Enhancing Legal and Electoral Capacity for Tomorrow - ELECT” Project and the international community in general, UNAMA, UNDP Country Office and contributing parties in particular, including an analysis of its governance structure.

The ToRs of the mission list 22 specific issues upon which the evaluation should focus. The number of identified issues is quite high, and its individual treatment will not help the clarity and explanatory purpose of the report. It is for this reason that the evaluation team has opted for a simpler structure, which addresses the ToR from the perspective of only eight central concerns. This approach does not imply disregarding the original 22 specific issues, most of which have been thoroughly addressed in the text below. However, we believe this structure facilitates the development of the arguments and proposals, making for more straightforward reading of the evaluation report.

⁴ See Annex 2.

Consequently, the mission report will particularly focus on the following overriding issues, to each of which a section will be devoted:

The Evolution of the Scope/Outputs of ELECT and its Governance and Coordination Structures: a formal description: This section will analyze the governance structure, as described in the ProDoc and other documents. The section will also describe the various activities of the project as they relate (and provide support) to different organisations with somewhat conflicting perspectives and goals.

The Performance of the Project: Overall Evaluation of Output Delivery and Implementation Progress of Programmed Activities: The section will analyze both the degree to which foreseen outputs were achieved, including the successive downward changes in the expected achievements throughout the successive revisions. It will also review the performance of ELECT in terms of effective delivery of the activities allocated to the project. Some specific areas, in particular the registration of voters, and details about the electoral operation, are dealt with in additional detail in Annex 4 and Annex 5, respectively.

Transfer of Knowledge, Capacity Development and Organisational Development: One of the main objectives of ELECT is to achieve a transfer of the knowledge of its advisers to the counterparts at the IEC and other counterpart organisations. But this is only one facet of the more complex processes of capacity and institution building. The evaluation will try to analyze the way in which both the transfer of knowledge and the more ambitious objectives of capacity and institution-building have been delivered.

Information Handling and the Receptivity to External Advice: The team felt that these issues deserve a short section, as there are some shortcomings in these areas which should not be too difficult to overcome.

Relationship with Donors: While the relations with other stakeholders are discussed throughout the report, this specific relationship was assessed as both very important and quite problematic and was therefore deemed to deserve its own section.

UNDP Regulations and their Adaptation to Time-Bound Processes: A permanent and largely justified complaint from the management team of ELECT has been the extent to which the rigidity of the UNDP rules and regulations have complicated the management of the project and the delivery of activities, even if a number of waivers have been extended. The evaluation team considers that it is necessary to undertake a revision of some of these rules, not only for the case of Afghanistan, but also for other electoral projects in post-conflict situations, when subject to rigid time constraints and the section will develop this view.

The 2010 Parliamentary Election: This section will briefly analyze some outstanding issues related to the conduct of the parliamentary elections. In particular, the section will discuss alternatives for handling the registration of new voters and some issues related to the conduct of District Elections.

Post-2010 Activities: The central subjects of this section will be the relation between the electoral system and long-term sustainability. Special attention will be given to the possibility of conducting a

full-fledged registration drive, exempt of the problems today faced by the existing register. The evaluation team believes that the present structure of ELECT, centered as it is in the support to the conduct of elections, is not particularly apt for supporting long-term capacity and institution building, that it should end after the 2010 elections, and replaced by a new project with a design more adequate to the new objectives. Proposals on how to develop such a new project will be included.

To facilitate reading, the recommendations of the evaluation team have been included at the end of each of the main sections. Some of them may be useful for the revision of the Project document soon to be undertaken, while others, if found adequate, can be incorporated in operational practices.

3. The Evolution of the Scope/Outputs of ELECT and Its Governance and Coordination Structures

3.1 Initial Scope and Output Definition

In accordance with the Security Council mandate (Resolution 1662/23 March 2006, section 3) bestowed upon UNAMA to “*continue to provide technical assistance to the Independent Electoral Commission*”, a capacity development project was established under UNDP: *Enhancing Legal and Electoral Capacity for Tomorrow* (ELECT). The duration of this project was of 2 years (October 2006 – October 2008). Formulated as outputs in accordance with UNDP’s Country Programme results framework, the objectives⁵ to be achieved during the project duration were:

- Output 1: *IEC’s institutional capacity further built to carry out its mandate as an independent constitutional body.*
- Output 2: *Effective legal and institutional environment in place to enable the IEC to execute its responsibilities.*
- Output 3: *Joint voter and civil registration pilot project designed and implemented leading to the design of a national project to establish a permanent civil and voter registry with a single national identity document.*

The objectives as identified appear in hindsight to be unrealistic to varying extents. In the case of Output 1 (capacity development), it has been perhaps a consequence of an inadequate identification of needs: no assessment had been undertaken before the project document was formulated and approved; a comprehensive capacity development plan extending beyond attaching advisers to departments of the secretariat was not developed; and the envisaged departmental advisory capacity materialised only to a limited extent. Moreover, despite the IEC not having any field infrastructure at the time, there was no plan for this to be established through ELECT. The 2006 Annual Report mentions that “*The IEC is preparing a project to be handed over to various potential donors for the construction of offices to be completed in the next 3 years*”. Limited efforts did however concentrate on the IEC’s headquarters

⁵ Also formulated under the Intended UNDAF Outcome 3 as well as under Expected Country Programme Outcome (Service Line 2.1 - “*State’s capacity enhanced to promote responsive governance and democratization.*”

infrastructure in 2007. As a result, as late as in August 2008 provincial offices were still not established. At the time, the project was funded with approximately US\$ 5 million although, according to the 2007 Annual Report, as of 31 December 2007, the project was only able to partially utilize the funds received for that year.⁶

In the case of Output 2 (legislative reform) it is quite possible that the volatility of the political context resulting from the compromises made in relation to the 2005 elections (in particular the Wolesi Jirga elections) was not taken fully into consideration. While the project did attempt to contribute to a genuine debate on the reform of the electoral law, external factors not timely identified as potential risks did impact the potential for the objective to be achieved.⁷ In the absence of a mitigation strategy, it is uncertain whether more could have been done to reduce this impact.

The main achievement of the project was the completion of the voter and civil registration pilot project in September 2007 (Output 3). This was however overshadowed by the political decision made earlier (in June 2007) by the Cabinet that the Ministry of Interior (MoI) undertake civil registration autonomously from voter registration and the subsequent decision made in July 2008 to conduct a limited voter card top-up exercise, using a biometric verification approach different from that tested in the pilot project.

Notwithstanding the internal and external constraints imposed on the objectives above and their impact on ELECT 2006-2008's effectiveness, of critical relevance for the decision made to expand ELECT into a mechanism for the provision of assistance for the voter registration top-up exercise and electoral operations as well as other electoral process support was however the insufficient ability of ELECT to make use of funds. This was raised by the IEC before ELECT's expansion and acknowledged by ELECT at the time. This was also subtly raised by UN EAD as a potential challenge for ELECT's need to deliver on time in support of electoral preparations: "***So long as UNDP is confident that it has the internal systems and capacity to deliver assistance on time and on budget, it is recommended that [UNDP] be considered as the first-choice option before exploring other UN or non-UN agencies***" (emphasis added).⁸

3.2 Scope and Output Definition According to the First Revision (July 2008)

In March 2008, the Security Council reinforced the mandate of UNAMA (Security Council Resolution 1806/2008):

The Security Council [...] Decides further that UNAMA and the Special Representative of the Secretary-General, within their mandate and guided by the principle of reinforcing Afghan ownership and leadership, will lead the international civilian efforts to, inter alia: [...] (h) support, at the request of the Afghan authorities, the electoral process, in

⁶ According to the 2007 Annual Report, only 56% of the funds were utilised while figures reported by the Country Office in a spreadsheet made available to the team in October 2009 indicate a potentially lower surplus for 2007.

⁷ This is not only characteristic of ELECT but perhaps of a vast array of development assistance programming in the aftermath of the 2005 elections.

⁸ UN EAD Afghanistan Mission Report, 26 November – 7 December 2008

*particular through the Afghan Independent Electoral Commission (AIEC), by providing technical assistance, coordinating other international donors, agencies and organisations providing assistance and channeling existing and additional funds earmarked to support the process.*⁹

While Resolution 1806/2008 does not make reference to ELECT – fully functioning at the time – the ProDoc assumes that “UNDP ELECT represents the practical expression of SC Resolution 1806” and identifies its mandate as encompassing both the provision of technical assistance to IEC and the provision of support to the broader electoral process, importantly including support to the Electoral Complaints Commission (ECC), domestic observation activities and civic education.

As such, a first substantive revision was approved on 6 August 2008, to cater for the project’s provision of support to the “voter registration” process under the following objective:¹⁰

Output 4: *Strengthen the IEC’s capacity to design and implement a sustainable national registration programme, to inform and engage the Afghan public, and to deliver a credible voter register in time for national elections in 2009 and 2010”, according to the Executive Summary, although in the main text of the ProDoc the following text some modifications are introduced “The IEC’s capacity to design and implement a sustainable national registration programme, to inform and engage the Afghan public, and to deliver a credible voter register in time for national elections in 2009 is strengthened and that operational and budget planning for 2009 is supported to enable a preliminary plan and budget to be presented by the end of October 2008” (underlining added to facilitate the comparison between the differing texts).*

With a view to increasing the scope of the support for the 2009 and 2010 elections, two additional objectives for ELECT were identified:

⁹ The Resolution also “Notes the leading role that the Afghan institutions will play in the organisation of the next elections, encourages the Afghan Government, with support from the international community, to accelerate the planning and preparation of such elections, stresses the need to establish a permanent Civil Voter Registry (CVR) in accordance with the Afghanistan Compact, and emphasizes the importance of free, fair, inclusive and transparent elections in order to sustain the democratic progress of the country.”

¹⁰ On the other hand, the Intended UNDAF Outcome 3 was maintained: “By 2008, communities and individuals, especially women and marginalized groups, participate effectively in the development and political processes”, under the UNDAF Indicator: “voter turnout in Parliamentary and District elections, as proportion of total registered voters”. The Expected Country Programme Output was also maintained: “State capacity enhanced to promote responsive governance and democratization”. The Expected Country Programme Action Plan Output is “To strengthen the capacity of new democratic bodies, and of government institutions at all levels to govern [...]” with the respective indicator being “Clear coordination framework with IEC in leading role; conduct of voter registration exercise in 2008/2009; public outreach effectively raises awareness of VR and electoral processes; domestic observers able to effectively monitor electoral processes; sustainability of training and advisory inputs enhanced; consolidation of the legal framework; significantly reduced reliance on international experts to administer elections; conduct of acceptable, credible elections in 2009 and 2010; cost rationalization for more fiscally sustainable future elections; improved access to the local market for production and supply of election commodities.”

Output 5: *Support the IEC in the delivery of credible, sustainable electoral processes in 2009 and 2010*

Output 6: *Support the broader electoral framework through capacity building, engagement with and support to civic and voter education, media development, political parties, domestic observation and emerging issues as agreed.*

Therefore, in its first revised version, ELECT became not only the main vehicle for the provision of technical assistance to IEC¹¹ (as the Security Council Resolution could be interpreted, according to some donors), but also the coordinator of other assisting donors, agencies and organisations and the vehicle for channelling and managing funds, thus embodying the entire electoral mandate of UNAMA's in a single project housed for operational and administrative purposes in UNDP.¹² With support provided directly by ELECT for domestic observation during the voter registration process, ELECT also became the provider of support for the broader electoral process. In the same vein, ELECT envisaged future support to other electoral process stakeholders, such as the Electoral Complaints Commission (ECC), domestic observers (post voter registration), other civil society organisations (engaged in civic education) and training of candidate agents.

The most problematic aspects of the project scope and design thus revised are deemed to be the concentration under the same management arrangements of areas of support in conflict with each other (i.e. support to the IEC and the ECC; support to the IEC and the domestic observers). An additional conflict of interest was created by having the CEA hold both a position as voting member on the project's decision-making board and that of managing the implementation of the project. These arrangements exceed UNDP's standard management arrangements for a project (which provide that the project manager sit outside the Project Board). On a positive note, these arrangements were corrected in the second substantive revision of the project.

3.3 Scope and Output Definition According to the Second Revision (December 2008)

A second substantive revision of the project was approved on 23 December 2008 to cater for the project's provision of support to the Presidential and Provincial Council elections that followed the voter card top-up. Outputs 4 and 5 are adjusted downwards and Output 6 is subdivided in three.

According to the revision, developments since the ProDoc was signed, including decisions to update the current voters register as opposed to creating a new register¹³ required adjusting Output 4 which is now described as an update of the voters register wherein "*eligible men and women (including harder to*

¹¹ And, by default, to IEC's sub-commission, the Media Commission.

¹² According to the ProDoc, "*ELECT is headed by a Chief Electoral Adviser of the UN to IEC, who will report substantively on electoral matters to the SRS/DSRS (Political) and administratively to the UNDP Country Director.*"

¹³ According to documentation made available to the evaluation team, this decision was made one month before the ProDoc was approved.

reach groups) who do not have cards are given the opportunity to obtain one in time for the 2009 elections".¹⁴

Similarly, Benchmark 1: "A credible, acceptable voters registration process is carried out in accordance with IEC plans and with the adequate support of security agencies." has received a qualifier "by end 2010". The Indicator b. for Benchmark/Target 1 remained unchanged: "the register is able to become the foundation of a long term voter's register that links new registrants to polling stations."

Output 5: "Support the IEC in the **delivery of credible, sustainable** electoral processes in 2009 and 2010" is modified to "National elections conducted. That the 2009 and 2010 elections are concluded by the IEC and other responsible bodies **with minimal disruption or controversy**". From credible and sustainable elections we move to "national elections conducted [with] minimal disruption or controversy" – a much less demanding condition.

Output 6 which, according to the first revision was: "Support the broader electoral framework through capacity building, engagement with and support to civic and voter education, media development, political parties, domestic observation and emerging issues as agreed" is now subdivided in three:

Output 6: *An Increasingly Self-Reliant IEC with a Post Elections Plan... IEC has a continuing mandate, an approved plan, access to financing, and the management structure, staffing, and inventory needed to better maintain its electoral function beyond 2010*

Output 7: *A Conducive Environment for Public Participation... Police, candidates/agents, domestic observers and the media each play a more positive role in the electoral process according to their mandates with specific activities*

Output 8: *Informed Participation... Informed participation of the Afghan electorate in the 2009 and 2010 elections to promote voter education and civic engagement in the electoral process.*

Besides the modification and detailing of outputs,¹⁵ ELECT's scope expanded by introducing additional recipient organisations and implementing partners as stakeholders. As such, in addition to the IEC and

¹⁴ However, a concept of operations attached as Annex 2 to the ProDoc and dated 28 July 2008 identifies the target population as those who: "turned 18 since the last registration or will turn 18 before Sept 2009; did not receive voter registration card during previous elections; returned to Afghanistan since the last registration; moved to a new province; and lost their old [voter registration card]". Likewise, the 2008 Annual Report mentions two rather contradictory statements in relation to this output: on one hand, "it is critical to note that due to a number of factors beyond the responsibility of the project, namely late decision making on processes by the government and the IEC, limiting voter registration to a 'top up' exercise despite the flawed existing register, and noting that the new process could not replace the old register or create a comprehensive new register, the Voter Registration process will not meet the objectives of Output 4 of the ProDoc for a credible voters register by 2009 elections". On the other hand, "Additionally, instead of a full VR exercise which would have produced a new and more reliable voters register for 2009 and 2010, **it was decided in July 2008 that the VR process would be a 'top up' exercise whereby those who had lost cards or who had not previously registered or had moved provinces or would turn 18 by the time of the Presidential vote, could register**" (emphasis added).

¹⁵ Of additional note, the initial UNDAF Outcome and Indicator, and relevant Country Programme Action Plan Output and relevant Expected Indicators were replaced by: UNDAF Area of Co-operation Governance, Rule of Law and Human Rights, Outcome 1: "By 2008, transparent, effective and efficient legislative and policy frameworks and

FEFA, the ECC became another recipient organisation; civil society organisations became implementing partners (please see a discussion below on these organisations' need for technical assistance) and the project expanded to also include specific training to the Afghan National Police (ANP) as well as candidate/agents.

3.4 Project Design and Governance Arrangements

The following “management and coordination arrangements” are defined in the ProDoc and other documents for ELECT:

Project Board (a management structure) – meeting quarterly and retaining “*overall management control of the project*” and “*accountab[ility] for resource mobilisation and account expenditure.*” Three parties are identified as composing the Board: i) UNDP Senior Deputy Country Director; ii) IEC; and iii) Assistant Country Director of Democratic Governance Unit. Financially contributing donors are invited to attend at levels they deem appropriate and vote on decisions.

According to Annex 8 to ELECT, the Project Board is responsible for “*executive management decisions*”, “*project revision approval*”, and “*project assurance revisions*” (the formal quality assurance role lying with the UNDP Country Office Project Assurance Unit).

Steering Committee (a coordination and not a ‘steering’ structure) – meeting monthly, responsible to “*provide guidance and oversight on the project*”, “*to monitor progress*” and “*accountable for results and the monitoring of baseline indicators and targets.*” This forum brings together UNAMA, the IEC and nominated contributing donors as members. Chairing is unclearly shared by the IEC and UNAMA/UNDP and facilitated jointly by the IEC and UNDP, with membership including UNAMA and five nominated Basket Fund contributing representatives.” The Steering Committee is defined as a “*working body*” with additional responsibilities which include: “*receive an overall coordination report from UNAMA; a briefing from the IEC on election preparations, security, and related issues; a monthly narrative and financial report from UNDP/ELECT on project activities; and to provide guidance and oversight on the project including continuing risk assessment and mitigation; to provide advice on funding and emerging activities; to receive regular reporting from the IEC on electoral preparations; to receive narrative and financial reports from ELECT, and to monitor progress.*”

Donor Group (including non-contributing political and development partners) – meeting monthly and responsible “*to review policy matters related to the project*” and “*to consider emerging issues and needs and provide advice and feedback to the Steering Committee*”. In practice, chairs rotate regularly (approximately every three months) and UNDP is to “*facilitate meetings*”. Despite the Donor Group

processes are established and implemented” and UNDAF Indicator: “Both chambers of National Assembly democratically elected and functioning; Provincial and district councils established as per Constitution”. As to the Country Programme Action Plan Output: “Democratic assemblies and electoral institutions strengthened at national and sub-national levels (Parliament operational, efficient and recognised by all the people; Provincial councils elected and functional; Village Chiefs elected and officially recognised; Independent Electoral Commission institutionalised and autonomous)”.

being established as a “*coordination*” body, the ProDoc specifies that the Group’s “*Decisions affecting the implementation of the project can only be decided by donors to the Basket Fund.*”

Stakeholder Forum – established “*to extend information sharing linkages between IEC and key stakeholders including civil society, the media and political parties*”.

A high-level dialogue is convened “*as required*” by UNAMA with Heads of Mission and the Government of Afghanistan.

A meeting of all implementing agencies - convened by UNAMA weekly, to which IEC “*reports on progress in planning and preparedness*”.

The project also set forth for a UNAMA Electoral Unit comprising 6 political/electoral officers located at UNAMA HQ, reporting to the DSRS (Political) and the Chief Electoral Advisor. Their role is to support, monitor and analyze the political dimensions of the electoral process. Their activities include but are not limited to: political rights verification; political party registration oversight; support to vetting of candidates; providing good offices and monitoring the IEC, ECC, Media Commission and other related electoral entities. This unit would monitor all electoral issues including all political, legal and operational issues associated with voter registration, pre-election day activities, the elections, and all post-election day activities. In addition, the UNAMA Electoral Unit would provide an overarching analytical role to links the political, electoral management and development elements, noting synergies or otherwise and provide strategic advice on findings.

Finally, in addition to a weekly meeting between the IEC and the Afghan National Security Forces, the ProDoc also establishes an Electoral Management Committee, which is meant to enhance the IEC’s leadership in assisting inter-governmental agency coordination.

As it can be seen, the “*governance/coordination superstructure*” of ELECT comprises a large number of collective bodies, frequently with overlapping compositions and functions.

Additionally, it appears that certain governance and coordination structures a) never materialised (e.g. the Electoral Management Committee); b) took other forms (the Donor Group meetings which were, according to the Project Document, supposed to be only facilitated by ELECT (i.e. by allowing donors to meet in UNDP’s conference room in order to discuss electoral and ELECT-related matters) were not allowed to be held with ELECT participation and even the donor-only pre-meetings were contested by ELECT); or yet did not achieve their purpose (the Stakeholder meeting was transformed into an information sharing meeting by IEC, ELECT or UNAMA to – mostly – donors, without the initial purpose of the meeting being fully achieved through other mechanisms). Moreover, the Project Board was many times used as an information-sharing forum rather than a genuine decision-making body, perhaps with the exception of approval of minutes and the formal approval of the budget after the budget was presented to donors as a *fait-accompli* for fund raising.

One of the challenges identified with the governance structures is the insufficient leadership asserted by UNAMA over the project. This is perhaps the result of inadequate project design as the Project Board has management control while the Steering Committee is accountable for results. (Given that the composition of the two bodies is fairly similar with the notable exception of UNAMA’s presence in the

Steering Committee, the purpose of establishing two distinct bodies is also unclear.¹⁶) Another reason for UNAMA's – and, in the same vein, UNDP Country Office's insufficient leadership and accountability for the project – is deemed to be a consequence of the CEA advising UNAMA on electoral matters (and supervising UNAMA's Electoral Unit). It has been perceived that UNAMA's ability to perform its *"leadership and coordination role"*, with the provision of *"good offices between the IEC and all other stakeholders"* could be compromised by the CEA's main role to advise the IEC, in particular as UNAMA's roles are to be assumed through UNDP/ELECT. The requirement for UNAMA's Electoral Unit to report not only to the DSRSG (Political) but also to the UNDP CEA could compromise this unit's ability to provide good offices and monitor all electoral issues.

The SRSRG was often directly involved with election related issues, and had to intervene to move the process forward politically and administratively. His actions were often crucial, and it is reported that he spent a great deal of time on the elections and holds ELECT management in high regard. Indeed, UNAMA's effectiveness in this role was to some extent due to the strong relationship between the SRSRG and the CEA. A more coherent policy body might have minimized the need to call upon the SRSRG's office for, as an example, the rental of public information billboards, as well as rationalized election policies and approaches emerging from UNAMA.

This finding is consistent with that of the *UN Election Evaluation Report, Final Parallel Report, 14 May 2006* (Margie Cook & Dan Finn), which identifies as *"a key lesson to be learned from the entire process [...] the need to seriously commit [...] capacity to provide independent high level electoral monitoring and advice as well as adequate staffing support to project management teams"*. For the same reason, in addition to recommending *"the provision by EAD of high level monitoring and oversight"*, this report recommends *"the participation of donors [...] as well as of the electoral management authorities, in a decision-making or review forum such as a steering committee."* These recommendations seem appropriate in a politically risky context framing the electoral process – as this turned out to materialise both in relation to the voter card top-up exercise and, later, in relation to polling, counting and the tallying and publication of results.

Another main finding with regard to these governance arrangements is the duality of project scopes (provider of technical assistance for which ELECT applies for funds to the basket fund and fund

¹⁶ According to the *UNDP Electoral Assistance Implementation Guide* (developed in 2007 by the Democratic Governance Group, Bureau for Development Policy, UNDP HQ with participation from the European Commission), the committee created to manage the policy level for joint/pooled funding arrangements (basket funds) is called a Steering Committee. The Steering Committee is responsible for general oversight of project activities within the basket, including financial oversight and approval of funding allocations within the overall budget as recommended by the PMU. Its role is to reach consensus and take decisions in any change in the project work plan, provide ongoing risk analysis, and consider funding for emerging issues. The PMU is the dedicated, technically staffed unit that administers, manages and monitors the overall election project on a day-to-day basis (serving essentially as an executive arm). PMU staff should include experts in electoral management who have experience in the various components of the electoral assistance project — for example, voter registration, civil society, the media, political parties, and/or electoral observation — and some members should be familiar with UNDP procedures on recruitment, procurement and project execution modalities. The PMU is led by a Chief Technical Advisor or Project Manager. (According to recent UN terminology, Chief Technical Advisors are referred to as Chief Electoral Advisors.)

administrator at the same time). This duality is rather conflictive as the two interests are divergent. Even more conflictive, however, is the project's very broad and ambitious scope to capture under the same platform as the support to the IEC: design and budgeting for the ECC, domestic observers and support to civic education. This problem is further compounded by the fact that the support dedicated to these areas has been formulated under the leadership of the CEA and approved by a Project Board which includes IEC. This ambition appears to also be somewhat contradictory to UN EAD's recommendation from their March 2008 report cited above that *"Precisely what activities and budget to add to ELECT should be decided through a discussion between the IEC, UNDP, UNAMA, EAD and the contributing and potential donors to ELECT"*.

3.5 Project Management Structures

Regarding the management of ELECT itself, according to the ProDoc, *"ELECT is headed by a Chief Electoral Adviser (CEA) of the UN to IEC, who will report substantively on electoral matters to the Special Representative of the Secretary-General/DSRSG (Political) and administratively to the UNDP Country Director."* At the same time, the Project Documents sets forth that *"The UN, working through UNDP/ELECT and under the overall political guidance of UNAMA, will coordinate the provision of technical and material support to the electoral process"*. Moreover, the *"CEA is to provide overall electoral advice to UNAMA and UNDP and IEC"*. The CEA is also the line manager for the Project Management Unit and, according to Annex 8, on behalf of the Project Executive Group¹⁷ the Project Manager *"is responsible for day-to-day management and decision-making for the project and decision making for the project"*.

A Project Management Unit (PMU) has been established under the auspices of UNDP within the ELECT project to provide day-to-day management of the project under the direction of the Chief Electoral Adviser and a dedicated PMU Manager. The PMU manages the financial, human resources, procurement, reporting, monitoring and evaluation, UNV support, and administrative responsibilities of the project within UNDP rules and regulations. It also provides specific programming and additional management support to the activities elaborated under Outputs 7 and 8 through a Deputy Manager tasked with the oversight of these components.

Within the UNDP Country Office the Democratic Governance Unit is the focal point to facilitate UNDP CO support, provide quality assurance of project documents and processes, and ensure compliance with UNDP corporate procedures, financial and procurement rules and regulations. UNDP's Partnerships and Resource Unit provides continuing oversight and tracking of donor contributions and transfers and will advise on all discussions on the Basket Fund arrangements and reporting. As mentioned, with the CEA reporting directly to the SRSG on substantive matters, the role of the UNDP Country Office ended up being marginalised. Additionally, while the UNDP Senior Deputy Country Office Director and the Assistant Deputy Director/Democratic Governance Unit were designated to represent the Country Office on the Project Board, in practice the Board meetings – as much as the Steering Committee meetings, Donor meetings etc. – were led by the project's implementing leader, the CEA, perhaps under the

¹⁷ It is presumed that the Project Executive Group is in fact the Project Board.

protection of the direct reporting line to the SRSG. The requirement imposed by the project for UNAMA’s Electoral Unit to report to the CEA may have further weakened the role of the UNDP Country Office, despite the fact that this unit did not really take off.

Additionally, the ProDoc refers to the UN Electoral Support Framework and the International Electoral Assistance Team (composed of ELECT, IFES and The Asia Foundation advisers and the UNAMA Electoral Unit; and led by the CEA).¹⁸ The ProDoc establishes that ELECT is “*the lead implementing entity of the Electoral Support Framework*”.

This structure poses a heavy burden on the Chief Electoral Advisor, who should fulfil simultaneously a number of different roles. However, practice occasionally differs, as suggested in the table below, which compares the formal roles of the CEA with the effective performance.

FORMAL ROLE	COMMENTS ON EFFECTIVE PERFORMANCE
Chief Electoral Adviser to the IEC	There are almost no relations with the Board of the IEC, who does not receive support either from the CEA or from any other member of ELECT. This role is minimally performed in relation to the Secretariat top management, and meetings at that level are neither frequent nor centred in the provision of advice.
Supervises the advice provided to other organisations receiving support from the basket fund: ECC, FEFA (an observer organisation), CSOs subcontracted to conduct civic education, the Media Commission.	ELECT advisers are assigned to each of these organisations, providing effective advice. With the exception of the ECC, the other support is supervised by the Chief of Operations/ Operations Adviser. The main role of the CEA seems to be related to the allocation of resources from the basket fund, and there have been some differences of opinion in the case of ECC, which is not too happy with present arrangements.
As Head of the International Electoral Assistance Team (IEAT), coordinates the technical assistance provided to the IEC through bilateral arrangements, particularly in the cases of IFES and TAF.	The relations with TAF and IFES are mixed. While both organisations operate with effective independence, very limited coordination takes place as a result of ELECT’s role (more appears to happen as a result of the IEC ensuring coordination). As they are subject to less restrictive regulatory frameworks, these organisations occasionally contribute to the solution of problems faced by ELECT. Relations are even less adequate in other cases in which there might be a degree of competition. For instance, the

¹⁸ The Asia Foundation, which had been heavily involved with a number of activities during the previous electoral cycles, notably in regard to capacity development with the JEMB, has greatly reduced its role and chose not to bid for certain bi-laterally funded projects through this IEAT. This is reportedly due to the fact that they did not deem it appropriate that one of the implementing agencies (UN DP/ELECT) coordinate other implementing agencies from the same position.

	CEA opposed to the fielding by Canada of an adviser to the CEO of the IEC ¹⁹ . There have been some issues in relation to advice in capacity-building, partially described in a following section.
Acts as the Chief Executive Officer (CEO) of the ELECT project team (over 400 persons) In this capacity, reports to the Project Board and the Steering Committee	This is the role that seems to concentrate most of the attention of the CEA and it is effectively performed. The ELECT team is quite cohesive. While in practice the CEA appears to lead most of the coordination structures, the reporting role also appears to have been replaced by a limited information-sharing role
Heads the Electoral Unit within UNAMA (six Electoral Officers)	None of the posts within UNAMA has been filled for any meaningful period of time, and therefore the role is nominal.
Chief Adviser to the SRSB and the DSRSB (Political) on all matters related to elections	The SRSB is quite appreciative of her role, and has reacted strongly against any suggested changes in the present setup of ELECT.
Participates in most of the collective structures described above.	The role is performed as described.

The ELECT structure of international assistance to IEC (see Section 4. below for a discussion related to the ECC set-up) is assessed to be largely suiting the purpose of providing technical assistance (advice) to the IEC. A few cases, which will be discussed in detail in the following sections, present a notable exception to this: the absence of a voter registration expert; the absence of a gender expert and gender mainstreaming plan in the first substantive revision of the project; the absence of a capacity building adviser and the related plan (both on the first and in second revision of the project).

Additionally, the internal structure of ELECT²⁰ presents several other peculiarities – the main two being the extreme concentration of authority in a few key positions and the absence of deputies. Under the CEA (as CEO) there are only two large sub-units:

- A Chief of Operations²¹ who leads 10 organisational sub-units (including all those in the field), several consultants under SSA (contracts of short duration) and a translation unit.
- A Programme Management Unit, who leads another 8 organisational sub-units in charge both of the administration of ELECT and of providing administrative and financial advice to the IEC.

¹⁹ In fact EAD opposed this initiative, as it was felt it was not done in the spirit of SC resolution 1806. It should also be taken into account that, from the perspective of the IEC, it is useful to have more than one advice from which to choose and that the resolution provides for coordination of assistance.

²⁰ As described in the UNDP – Afghanistan “Annual Human Resources Plan 2009 – June – December 2009”, which is included as Annex 5 of this Report. There are alternative structures – for instance, those described in the ProDoc. However, the Annex contains the most recent official statement.

²¹ This is the name preferred by the position’s incumbent, which is very much resented by the IEC. The official title of the position is “Operations Adviser”.

The Chief Executive Officer cum Chief Electoral Advisor also supervises the support provided to the ECC. The support to FEFA, MC and CSO is under the supervision of sub-units reporting to the Chief of Operations. It should be further noted that there is no deputy for the CEO/CEA, and in the eventual case of absence she is substituted by the Chief of Operations/Operations Adviser. Similarly, there is no deputy position for the last, in spite of supervising the work of around three hundred persons. There is no deputy position either for the UNAMA electoral unit which, as a matter of fact, has never been fully implemented.

As it can perhaps be expected, the functioning and the effective provision of advice are, in practice, somewhat different. As described above, the “governance/coordination superstructure” of ELECT comprises a large number of collective bodies, frequently with overlapping compositions and functions. There was some discontent among those participating in those meetings, which felt that they were used by the ELECT management to provide general information rather than to discuss alternatives of action or reallocation of resources. Some of those issues are discussed at some length in Section 6. It must be mentioned that ELECT management also expressed some reservations concerning the participation of donors in some of these meetings.²²

Summarizing the precedent discussion, it can be argued that, at present, ELECT appears as an almost separate structure, providing advice and support to several different organisations, some of which have conflicting purposes: the IEC, the ECC, FEFA and a group of CSOs involved in civic education. The dimension of advice and support is uneven, with the IEC receiving the largest proportion of support, both in terms of budget and in terms of attention and prioritization from ELECT. ELECT is an almost self-sufficient project, having a rather large internal support structure (the Project Management Unit), providing HR, finance, procurement, asset management and other administrative services to the project. The limits to self sufficiency result from UNDP rules, which require the authorization of the Country Office or in some instances in UNDP Headquarters for spending requests above certain limits. Support to the above mentioned organisations is formally located at different levels of the ELECT structure: support to ECC seems to depend directly on the CEA (although the ECC is an independent body receiving only budgetary and administrative support – not technical advice – from ELECT), while support to the other organisations is at a much lower level. For instance, the support provided to FEFA is under the External Relations and Political Party Liaison Unit, which itself is subordinate to the Chief of Operations/Operations Adviser.

The present structure of ELECT is entirely centralized. Advice to the 1) the organisation administering the elections, 2) budgetary support to the quasi-judicial body that adjudicates complaints (frequently raised against the first) and has the power to sanction election administrators, and 3) assistance to an external watchdog that observes both, are placed together under the same management, which also has under its wings a full-fledged administration unit. The team believes that the structure should pay more attention to the relevance of these interactions. It makes sense to have the persons advising the

²² The example provided to the team related to a Project Board meeting that took place on May 14th, where one of the donors “started by outlining that some donors have met and jointly discussed a number of issues which are of common concerns for them” and proceeded to list such issues of concern. The CEA had reservations about donors meeting together outside of the forums established by the project.

IEC on voter education and on logistics under the same managerial structure.²³ On the other hand, nothing is gained by placing under the same management activities related to advice provided to IEC and advice provided to FEFA – there is even a clear conflict of interest.

At interaction level, the relations between ELECT advisors and national counterparts are not entirely defined. Some ELECT advisors are embedded within the IEC, but many staff members (most, but not all, involved in project management) are seated in a separate ELECT compound. This has been a source of contention with the IEC, which has complained in the following terms:

*The IEC is strongly against ELECT using project funds to rent and renovate ELECT office space outside of the IEC compound. This does nothing to build the infrastructure capacity of the IEC. This independent decision by ELECT has resulted in senior ELECT staff not being available when needed and a separation of the procurement process from the IEC. The IEC feels that this decision by ELECT has resulted in ELECT being set up as a parallel supervisory body rather than an embedded advisory body to the IEC.*²⁴

3.6 Recommendations Concerning Governance and Coordination Structures

There are three distinct roles currently performed by the senior management of ELECT that would be better disaggregated. These are coordinating and providing technical support and advice to recipient organisations, providing program management support to these activities, and providing political council to UNAMA on electoral matters. The team foresees that disaggregation of these duties would improve efficiency of delivery as well as quell the appearance of conflicts of interest inherent in the project design. For the provision of technical advice, the team recommends the full and strict embedding of advisers with recipient organisations. It is similarly felt that decision-making processes for the project support structures would be facilitated by a closer relationship with the UNDP Country Office. We believe that this can be achieved by:

1. Setting up separate, well-defined and strictly technical components for each recipient organisation as well as a separate Project Support Unit under UNDP.
2. Therefore, there should be one (rather large) component linked to the IEC with a CTA/CEA responsible for the management of the component and for the provision of advice to the top management of the IEC, and advisers at different levels and at the regions and provinces, providing advice to counterparts. The advisers should, as far as possible, be embedded with IEC and its field structure. The role of the Project Board, which by definition should have been relevant solely for the provision of assistance to the IEC, should be replaced by ensuring joint decision making on the provision of advice through the formulation of the specific project

²³ Similarly, it would make sense to place advice provided to several organisations on the same subject under a common management structure. For instance, it is reasonable to have a project on civic education dispensing advice to different civic education providers.

²⁴ Letter from the IEC CEO to the UNDP Country Director, dated May 23rd, 2009.

component (i.e. the project document should define how often the senior management of IEC and the UNDP component should meet, what decisions should be made jointly and how etc.).

3. Similar components should exist for the other organisations, even if they are much smaller and, in some cases, comprise only one adviser²⁵. There should not be a relation of dependence between the advisers placed in these organisations and the CEA/IEC. In other words, one person should not be responsible for the advising component of the IEC and deciding on budget and structure of partnership with other organisations. In light of this as well as recommendation no. 14, the Terms of Reference, Vacancy Announcement and selection of the positions recommended herein should be defined and finalized only after the new project is formulated, including its scope and governance structures.
4. The counterpart organisations should be involved in the identification and definition of the support required and in the selection of the advisers.
5. There should be a Project Support Unit within UNDP, which would provide HR, finance, procurement, and assets management services to the technical units described in the previous points. Given the magnitude of the activities, it is suggested that the PMU be placed under the direct supervision of the CO Deputy Director. The expertise necessary for this PSU should be largely electoral specific and ideally derived from the EAD roster. In order to facilitate allegiance to the respective projects (and therefore ensure speedy and high-level services), a liaison officer could be assigned to the recipient organisation to work alongside the project advisers. This would also help building specific capacity within the recipient organisation, especially if specifications, bids etc. are drafted jointly with that organisation.
6. Additionally, especially if directly under the Country Office, the PSU could be the natural house for administering the basket's funds on behalf of the Steering Committee (see recommendation no. 14), provide financial reports etc.
7. In the event that the activities of one component involve grants or other types of non-personnel expenditures, they should be included in the budget of the component, although the PSU will provide the necessary support to the administration of those funds.
8. There should be an overall coordination and long-term planning mechanism in charge of a small Capacity-Building team for IEC, with the following roles:
 - a. Prepare, as recommended by SIGAR²⁶, *"a detailed strategic plan for capacity development. This plan should include mutual expectations and benchmarks for developing sustainable institutional electoral capacity; a commensurate Afghan budget*

²⁵ The proposal is related to the relevance of the interactions. It makes sense to have the person advising the IEC on civic education and the person advising the same organization on logistics under the same managerial arrangement. On the other hand, nothing is gained by placing under the same management activities related to advice provided to IEC and advice provided to FEFA.

²⁶ [Long-Term Strategy to Sustain Electoral Capacity - www.sigar.mil/reports/pdf/audits/Audit-09-6.pdf](http://www.sigar.mil/reports/pdf/audits/Audit-09-6.pdf)

and human resource structure capable of sustaining the electoral processes". The plan should go beyond the Wolesi Jirga elections, and extend beyond 2010. This plan should be based on an updated capacity building assessment undertaken either directly by the unit or externally by a contracted expert. This assessment should be re-done at the end of the 2010 electoral process to serve as basis for future planning but also as a modality for measuring results.

- b. Follow the operations of the components described in 1 through 6, ensuring that no major overlaps exist, that there is a fluid communication concerning the activities of the components, providing quality control as necessary.
 - c. Monitor all capacity building efforts, including evaluating performance and skills transfer, identifying skill gaps and professional development needs, and addressing sustainability and exit strategies.
 - d. This team would have far reaching oversight for the project, and appropriate reporting and governance would need to be established and strong relations maintained between such a unit and stakeholders as well as recipients and partners.
9. The basket funding arrangements will continue as of present, and will be the funding source of the components described above. The composition of its decision making apparatus will include, in proportions to be discussed, representatives of UNAMA, UNDP and donors. Whether special roles (such as observer, for instance) are deemed necessary for the IEC, an Afghan state institution or the civil society should be discussed by these three main stakeholders based on political feasibility.
10. The CTA/CEA of the IEC component, the Head of the Capacity-Building team, and those responsible for the other components will regularly brief other international stakeholders on the progress of the electoral process and ensure regular reporting to SRSG/DSRSG Political and as needed to UN HQ UN Headquarters (EAD/DPA and DPKO). Coordination concerning the briefing and reporting activities could be placed under the responsibility of the UNAMA Electoral Unit/the Deputy SRSG/Political.
11. According to the Second Revision (December 2008) of the Project Document, "UNAMA envisions an Electoral Unit comprising 6 political/electoral officers located at UNAMA HQ, reporting to the DSRSG (Political) and the Chief Electoral Adviser. They (are supposed) to support, monitor and analyze the political dimension of the electoral process. Some of the activities (would) include but are not limited to; political rights verification, political party registration oversight, support to vetting of candidates, providing good offices and monitoring the IEC, ECC, Media Commission and other related electoral entities. This unit (was also supposed) to monitor all electoral issues including all political, legal and operational issues associated with voter registration, pre-election day activities, the elections, and all post-election day activities. In addition, the UNAMA Electoral Unit (would) provide an overarching analytical role to links the political, electoral management and development elements, noting synergies or otherwise and provide strategic advice on findings." Such Unit was never implemented, and the CEA apparently fulfilled all roles foreseen in the ProDoc.

Under the suggested arrangements the situation should be reconsidered. One alternative is to maintain the present informal situation, with UNAMA leadership identifying the person to perform the advisory role. A second alternative would be to appoint a Head and personnel for that Unit, and give them the role and functions foreseen in the ProDoc. This would enable UNAMA to provide good offices between IEC and UNDP/ELECT but also between ELECT and donors. Moreover, this could provide quality assurance to ELECT (in so far as this relates to political and electoral matters) and contribute to monitoring and evaluating ELECT's performance. Moreover, this unit could be entrusted with supporting the IEC in coordinating the technical assistance provided by various implementing agencies (UNDP/ELECT, IFES etc.) The latter role could be essential in case support to ECC is provided mostly outside UNDP/ELECT.

12. Support for domestic observation, civic education, political empowerment activities or electoral training for security forces do not necessarily have to be administered and provided through UNDP/ELECT. This is particularly relevant as the UN regulations did not allow sufficient flexibility for this type of support and as this type of support should extend beyond the completion of the electoral process. In case funding and technical assistance (where necessary) are provided outside UNDP/ELECT structures, coordination should be ensured through modalities agreed jointly by donors. Likewise, coordination between some of these types of support (in particular civic education) and the IEC-driven voter education campaign should be ensured, ideally through the coordination structures established for the overall international assistance to the electoral process (see recommendation no. 14 below). A mini-basket fund could be established for the support to civil society (which could include both domestic observers and organisations engaged in civic education). The administration of this basket fund could be undertaken directly by the respective donors or could be delegated/sub-contracted to an international NGO (such as The Asia Foundation or IFES). It should be noted that managing support to the civil society will entail significant efforts.
13. Housing support to ECC should be a joint decision of UNAMA and donors, balancing carefully political needs for independence and administrative needs for flexible support. It may be desirable to organise a workshop with participation from the ECC, UNAMA Electoral Unit and donor representatives to discuss the options ahead. (see recommendation no. 14).
14. ELECT governance and coordination arrangements should be streamlined and the new mechanisms should be established with the aim of ensuring genuine coordination as well as the opportunity to provide critical political and electoral analysis to stakeholders and ensure the latter's meaningful participation in decision-making. One option would be to have the Steering Committee govern the entire multi-lateral support to the electoral process. In this case, membership should include UNAMA at high level (Deputy SRSR or Head of Electoral Unit) and exclude IEC. Should there be a need for a separate IEC-component joint decision-making arrangements, this could be devised separately. For instance, the streamlined Steering Committee's role could be to provide oversight over the entire international support to the electoral process provided through UN structures as well as to coordinate independently-provided support (should this be the case with domestic observation, civic education etc.). This would include high-level policy as well as financial oversight and approval of funding allocations

within the overall budget.²⁷ In order to perform its role, this Steering Committee should include UNAMA, donor representatives (probably at Deputy Head of Mission level) and the UNDP Country Office in its composition. Specific terms of reference should be developed for this body as well as rules of procedures for decision-making. A small secretariat could assist the work of the Steering Committee by arranging meetings, drafting agendas, taking minutes. Most importantly, the role of this secretariat could be to ensure the provision of expert recommendations to facilitate the Steering Committee's policy and financial decisions as well as an adequate risk analysis. Both the recommendations, various options papers etc. and the risk analysis and mitigation strategy should be developed by the secretariat with input from the recipient organisations themselves (the IEC and the ECC) and those teams providing assistance to various organisations (such as the IEC). For example, an option paper could be dedicated to the organisational set-up of the ECC. Depending on UNAMA's new mandate, this secretariat could be composed of staff from the Electoral Unit as well as of donor-provided experts (in order to alleviate some of the current tensions between donors and the project). The Steering Committee should ensure monitoring and evaluation and be accountable for results (the project design for the various areas of assistance should reflect the overall oversight role of this Committee). Given that the substantive revision of the current ELECT will entail a number of high-level policy decisions, it would be ideal if a new Steering Committee, of the composition and remit suggested here, would be established, even if temporarily, to oversee the conceptualization and formulation of the new project/s for support provided through the UN.

15. The Steering Committee should not be duplicated by any other similar structure (either in composition or in role). A donor forum could be established (similar to the one established for the Afghanistan Reconstruction Trust Fund (ARTF) to enable broad information sharing, analysis and coordination among donors and to facilitate joint input to the Steering Committee. The donor forum does not need to include as a member any provider of assistance, but could call upon the various teams/providers of assistance to discuss various arising issues, ensure adequate information sharing etc.
16. The IEC stakeholder meeting should re-gain its initially intended purpose: that of the IEC consulting with its national stakeholders (domestic observers, media organisations, other civil society organisations; political parties, etc.)
17. The coordination of the various platforms for the provision of support to the same institution (the most evident case being the IEC) should be undertaken under UNAMA's lead (possibly by the head of the Electoral Unit) – also as initially envisaged in the form of the inter-agency coordination meeting. For this purpose, as well as the one mentioned in recommendation no. 14, the head of this unit should be at the same post level as that of the CTA/CEA providing assistance to the IEC and, probably, the lead ECC commissioner.

²⁷ This is consistent with the Steering Committee suggested by the *UNDP Electoral Assistance Implementation Guide* (see footnote no.17).

4. The Performance of the Project: Overall Evaluation of Output Delivery and Implementation of Programmed Activities

4.1 Output 4: Voter Registration²⁸

4.1.1 Output Goals and Goal Definition

The ELECT project document, as revised in December 2008, contains as output number four, the creation of a voter register for use in the 2009 and 2010 elections (see output definition in Section 3). The project aim was to build the IEC's ability to design and conduct a voter registration operation and to have in place a complete and credible register.

The exercise was carried out in four phases between October 2008 and early February 2009. A phased operation allowed the IEC to work around climatic constraints as well as to concentrate security forces.²⁹ After this phased operation, voter registration offices remained open in provincial capitals through 19 June, 2009. Both during and after the initial four phases of the operation, mobile voter registration teams were used to reach remote areas. According to ELECT, the immediate result of this exercise was that over 4.5 million cards were issued, with the secondary result of the IEC's capacity to plan and implement national voter registration exercises having been enhanced. Data entry has been completed on an estimated two thirds of the new registry prior to the 2009 elections.

4.1.2 Delivery of a Credible Voter Register

As mentioned, this objective was retroactively – and internally - reduced to one of updating the flawed 2004-2005 voter register with an additional five million registrants. There seems to be some contradiction between the credibility of the voter register and the fact that it will remain incomplete and therefore unable to generate a voter list. There is indeed an operational imperative to allow people to register for an election, but in this case it is decoupled from the control mechanisms normally performed by a voter registration exercise. The focus on numerical goals for the delivery of voter cards undermines the credibility of the register, as the output is actually an extension of the problems of the 2003-5 register: many cards delivered without the ability to control for multiple or proxy registration or to tie voters to polling stations. Therefore, the voter register as it exists (for both databases) creates possibilities to defraud polling without providing the logistic control and fraud mitigation functions normal for a voter register.

With over 4.5 million additional cards issued, in terms of the numeric goals established by ELECT and the IEC, this was a successful operation. However, this new database could not be merged with the existing voter database, created with a voter registration exercise and a top up in 2003-5. While the new database would be able to tie voters to polling centres (instead of the proper geographic reference such

²⁸ Annex 3 contains a detailed analysis of the voter registration issues.

²⁹ For instance, the central highlands and the north eastern provinces, both snowed in early in the year, participated in phase one, which ran between 6 October and 4 November 2008. The four southern provinces of Nimroz, Kandahar, Helmand, and Uruzgan which have less problems with climate but require a concentration of security forces, participated in phase four, which ran between 3 January and 2 February 2009.

as a village or other constituency), it was not be able to create a voter list for the 2009 or 2010 elections because it would be incomplete. This was compounded during the 2009 election cycle in that the data entry of the exercise had not been completed, thus rendering the recording of voter registration numbers useless as a method of fraud control or mitigation. It was impossible to verify whether a given number was genuine or not.

A biometric data collection was used for the registration cards. This had significant problems given the expense of the system itself and the required equipment, and the fact that it was not operationalised to fulfill its purpose: to avoid duplicate registrations. Cards were distributed at the time of registration. There was no opportunity to check the system for existing registrations with matching bio-data and therefore withhold a voter registration card from someone identified by the biometric controls as having registered either previously or even during this exercise more than once. This approach would have required full data entry of the registration information and verification prior to the delivery of the card. There was probably insufficient time for the standard two-step approach. The procurement and use of AFIS (Automated Fingerprint Identification System) for the top-up exercise (as it took place) was a technically questionable decision with significant cost. Furthermore, it involved disregarding a previous pilot exercise which had recommended facial recognition. None of these obvious issues was analyzed or even mentioned in the December revision of the ProDoc.

Furthermore, there were technical issues with the collection of biometric data. Fingerprints were taken using ink rather than with an electric print scanner. An electric scanner would admittedly have been expensive to implement given the lack of electrification in Afghanistan, although battery operated scanners are available. Fingerprints taken with ink must be scanned into the software that recognizes bio-data (Twelve scanners were procured for this purpose. Currently some of them are not in working order, which could be attributed to the difficult operating conditions in Afghanistan). Naturally the way in which fingerprints were taken reduced the ability of the system to recognize duplicates. Reports are that early on in the operation it was not uncommon for fingerprints to be blurred, over-inked, and difficult to read. This improved during the latter phases of the exercise. Internationals working with the system claim that the software is able to recognize up to eighty-five percent of the fingerprint data.

A further problem with the biometrics is the lack of photograph required for women. The fear is not only that, without a photo, men will still register for their wives, daughters, and sisters using their own fingerprints or fingers other than their thumbs, but also that essentially such proxy registration may not even be on behalf of these family members but (much) beyond it (for other men or for bogus voters).

ELECT staff warn that one fundamental problem with the database was the inability to tie voters to village level constituencies given the proliferation of official villages between 2003 and 2009. Reportedly, village numbers have increased from roughly 40,000 to 80,000 supposedly for political reasons and to increase access to aid. This has not been corroborated by the Independent Directorate for Local Governance (IDLG), which reports the number of villages officially recognized by the government at just below 40,000. However, apparently for this reason, voters have not been tied to villages in the database but rather to polling centres, although polling stations are not related to any geographical domain. This is an acceptable short-term solution (see Annex 3) so long as polling centre constituencies are not split in the future delineation of boundaries for district and municipal districts.

The new voter register database, as it existed for the 2009 elections, does not correct any of the weaknesses of the previous voter registration. It cannot create voter lists (as it remains incomplete) or control proxy or multiple registrations, and it, therefore, does nothing to increase the credibility of the elections and control fraud. It seems that the ELECT team considers that the approach used for the top-up exercise, with operational changes, can form the basis of a voter register that can tie voters to polling stations and prevent proxy and multiple registrations. Unless this assumption is adequate, the method used for the top-up exercise was unnecessarily expensive. However, the team is of the opinion (further argued in Annex 3) that this is not the case, and that in the post 2010 period a full-fledged new registration will have to take place with a more adequate approach that would result in *effective* biometric verification. The future approach will have to take into account the post electoral political climate and security situation, and seriously reconsider the possibility of joining the voter register with a civil register. However, it is agreed, among stakeholders with technical knowledge, that a complete voter register for the 2009 elections would have been difficult to build given the security and time constraints.³⁰

It remains to be seen whether the expectations of the ELECT team concerning the usefulness of the 2008 registration approach for the construction of a permanent and credible Register after 2010 are adequate, or whether the two partial databases will have to be scrapped completely following 2010, and a new register is developed with an alternative approach.

4.1.3 Strengthen IEC's Capacity to Design and Implement a Sustainable National Voter Registration Program

The IEC currently has no internal department devoted to voter registration. While there was doubtless some on-the-job learning that took place during the exercise, voter registration is a more difficult operation for which to embed knowledge in the IEC as no organisational structure has specific responsibility for this process. It is difficult to say, given the lack of any internal recording of the experience of the operation, to what extent capacity building was an intrinsic element of this operation. It is important to note that in most cases, voter registration consumes about half of the expenditures in an electoral budget. Given this, it would be best if planning for the future were already in place.

Although the project document has an explicit reference to capacity development in relation to voter registration, it does not appear that capacity building was included in ELECT's understanding of its duties. The performance tracking matrix lists eight results that fall under the voter registration output. These include hiring of temporary staff, procurement, logistics, public outreach, training, external relations, and the provision of technical support to the IEC. The provision of technical support largely refers to the recruitment and hiring of ELECT personnel. All other results are operational in nature and written as if this were a direct implementation project. For instance, result 4.5,

Support public outreach activities a) *Design and implement* a nation-wide public outreach campaign on TV and Radio; b) *Design and install* public outreach on billboards all over the country; c) *Design, publish and disseminate* posters, flipcharts and leaflets; d) *Establish* a call centre for public outreach; e) *Develop and*

³⁰ The CEA, however, appeared to disagree with this assessment in her note written for the file on disagreements with the approach taken to voter registration.

implement an SMS public outreach campaign through major mobile telecommunication companies (emphasis added).

None of this language intimates technical assistance. Moreover, performance indicators are based on the results of IEC activities, not the extent to which the IEC has been able to carry them out or has internalized any operational knowledge. While the voter registration operation was performed successfully, to the great credit of both ELECT and the IEC, it is difficult to ascertain the extent to which the operation actually contributed to the outputs as stated in the project document.

4.2 Output 5: Support the IEC in the Delivery of Credible, Sustainable Electoral Processes in 2009 and 2010

Output 5 is intended to support the IEC and related bodies in conducting the 2009 elections with a minimum of disruption and controversy. Key activities related to this output include, according to the project document, support to public outreach, voter information, external relations, and relations with key stakeholders; operational planning, training, and implementation; provision of security and fraud mitigation advice and support; voter-registration; administration, temporary staffing, and financial management; and support to related institutions, i.e. the Media Commission and the ECC.

Logistical and operational preparations and the operations themselves were efficiently put in place (please see a discussion below on some examples of their effectiveness). ELECT supported the IEC in performing a difficult series of tasks under enormous constraints. The difficulties of the Afghan context cannot be overstated in their impact upon electoral preparations and operations. These include the limitations that the climate places on the electoral calendar; the deterioration of the security situation – which is markedly worse than during the 2004 and 2005 electoral cycles; the politics of Afghanistan – which impacted the election date during 2009 and tightened planning timelines; poor infrastructure and punishing landscape; and the very limited experience of democracy in Afghanistan coupled with remarkably low levels of human development. To these external factors, internal UNDP processes and regulations may have added additional strains. Putting in place the operational and logistical structure that would allow an election to take place in Afghanistan is a commendable achievement, and the IEC and ELECT deserve high praise for delivering on this difficult implementation. The electoral operations have been carried out with a high level of operational effort, competence, and dedication.

However, the project document Output 5 states, “*2009 and 2010 elections concluded by the IEC with **minimum disruption and controversy***” (emphasis added). The lessons of the 2004 and 2005 elections and the many analyses thereafter demand that the electoral administrators begin with an assumption of electoral irregularities and high potential for fraud as well as difficulties in the processing of results and plan backwards from being forced to redress these issues. Despite this, the results process of the 2009 elections has been disruptive and controversial, even if the logistical structures for a better election were in place. There were other political, procedural, and operational reasons for this outcome, but the lack of anticipation of problems and corresponding planning to mitigate them played a significant role.

In this section, the evaluation team focused its attention only on those issues that would require attention for the 2010 operation. Please see Annex 4 for a more complete exploration of the delivery of the 2009 elections.

4.2.1 Process Impediments: Procurement and Contracting

Process impediments were generally reported to relate to administrative and coordination issues. There were frequent problems with delays in payments and with processing of payment requests. The issues affected the relations between ELECT and the UNDP Country Office as well as relations between IEC headquarters and the provincial election offices.

Administrative processes within UNDP have been pointed to as lacking the flexibility to carry out an election operation given the timeline demands. On the other hand, ELECT logistics staff have claimed that there is no problem with UNDP regulations, only the ways in which they have been implemented in this project. This contradiction leaves the team with the question of whether any process impediments that arose between ELECT and the UNDP Country Office are due to relational and idiosyncratic reasons or whether UNDP regulations are truly difficult to work with given large scale, time pressured operations. Most likely, there is some truth to both, indicating a need to strengthen ties to the Country Office as well as to grant ELECT greater flexibility in its procurement and human resources management (see Section 7 for details on this matter).

In regard to ELECT's own goals as established in the performance tracking matrix, activities are again focused on operational delivery rather than capacity development. The matrix states that the result of ELECT's activities in regard to procurement and financial administration should be to "facilitate implementation of the IEC's operational plan for 2009 and 2010 elections through procurement and installation of infrastructure, equipment and other logistical supplies." This is largely related to the percentage of polling centres and stations that open with all their materials and return equipment. Despite the IEC's persistent requests to be involved in procurement (even with only observer status) and to more fully integrate these ELECT functions into IEC technical assistance, the operational focus on this output was maintained. Furthermore, the risk mitigation strategy does not deal with the risks to the project from widespread petty corruption, although the expenditure of project funds was a major issue emerging from the 2005 elections. This will be a major challenge to the IEC into the future, and ELECT would do a great service to the institution to develop mechanisms that seek to minimize these problems.

On a positive note, it is commendable that local procurement was included in the performance tracking matrix and was actualized in some ways. For instance, the training ballots were printed locally at a very high quality, and the cardboard voting screens were procured locally. This is a practice that increases sustainability and could be expanded in the 2010 elections.

4.2.2 Process Impediments: ELECT Administrative System

Authorization for spending and contracting within the country was highly centralized. Provincial officers (IEC) complained about access to petty cash and service contract arrangements. All local contracts for goods and services were processed through ELECT headquarters in Kabul. This meant that bids were

collected at the provincial level but contracts made through Kabul. This reduced the check on local market prices and opened opportunities for graft. Payments for contracts were made subsequent to services. Any money paid up front had to come from a very limited supply of petty cash which stayed dry for long amounts of time before replenishment was approved and made available from Kabul. The requirement for expenditures to have UNDP-specific paperwork in order before services were delivered does not seem to make much sense in the local context either. This was because entering a contract with a company with fifteen years of experience would keep local contractors from many contracts and would drive up prices in the provinces, where it is cheaper and more flexible to simply pay individual service providers used locally to build a mud wall rather than the largest building contractor in the city.

Likewise, the decision to enter service contracts with single companies from Kabul to apply to the entire country does not appear to be suitable for the operation, either. For instance, using a single transportation contract meant that many subcontractors had to be used which in turn entailed an opportunity for petty corruption with IEC officials allegedly renting out their own cars³¹. In this case, subcontracting directly by the national contractor implied that no checks on the local market were made either. In other cases, using a single national contractor meant a reliance on Kabul for services that could have been performed at a local level. A good example of this highly centralised procurement system is that all ELECT cars had to be serviced in the capital. This meant that frequent trips to Kabul were required, with a convoy of drivers staying overnight in Kabul and receiving DSA, for mechanical problems as simple as a flat tire. A car had to be serviced every 2,000 kilometres, almost half the distance of which was required to come and go to Kabul from some provinces. At the same time, other UN agency cars were able to be serviced locally.

The centralization of contracting resulted in undesired consequences. Opportunities for petty graft and corruption were opened up, as those accepting bids and making contracts were not familiar with those bidding. Collusion among the bidders triggered unnecessary increases in the prices of services. While centralization is a natural way to attempt to better control expenditures and ensure that money is not sent out for bogus contracts and receipts, this policy may require re-examination as the avoidance of such instances might be more costly than the instance itself³².

The same potential need for policy revision relates to petty-cash as offices had to go without petty cash for extended periods of time, and internationals as well as Afghans reported spending their own money on items that should have been paid for from petty cash. Furthermore, contracts, rent, and salaries have gone unpaid for months. This undermines the credibility of the IEC at local level.

³¹ Since this statement originated within ELECT, the IEC has requested it to furnish evidence of those situations to take the adequate punitive measures. As far as the team knows, no such evidence has been submitted.

³² The need for review of contracts should not be under-estimated. The team was told that, during the operation, ELECT field operations department reviewed all requests for payment to ensure that they were for actual services and contracts. Reportedly, many bogus requests were found by this procedure. However, alternative unofficial sources present a somewhat different picture. See <http://documents.propublica.org/u-n-development-agency-audit-of-afghan-elections-and-development-spending#p=1>.

4.2.3 Process Impediments: Identification of Polling Centre Locations

The final list of polling centre locations was not available until 18 August. This was a problem in terms of coordination with Afghan and international security forces, distribution of polling materials, and the appearance of opening the door for fraud. A preliminary list of polling centre locations was drawn up based on 2005 election sites in March 2009. It was provided early on to the security forces, but stayed in limbo, not being finalized by the IEC or by security forces for several months. It appears that the IEC was waiting for security forces to check the locations and security forces were waiting for the IEC to firm up the provisional list before checking sights. In late June and early July, this became a political issue within the project, as UNAMA began to express concerns over a large number of polling centres located in areas where neither the IEC nor the Afghan security forces³³ could operate. These became the so-called “ghost polling centres”. The IEC then turned to its own district field coordinators for information about the security situation with each proposed polling site while international security forces began to map the list as it existed for its own election day operations. The result of these apparently parallel processes was a very late finalization of the list of polling centres to be opened. From an initial list of roughly 7,000 polling centres, about 500 were determined to be in areas where the security situation made it impossible to conduct polling. Approximately 200 additional centres failed to open on 20 August.

ELECT identified the impact of the security situation on the identification and use of polling locations early on, stating that both poor coordination between election officials and security forces and insufficient security resources for election day would have significant impact on the conduct and credibility of the elections.³⁴ ELECT noted in June 2009 that *“there is still no security plan for about 93 polling centres in “black” districts with an estimated 180,000 – 200,000 registered voters. Mol/MoD will also not be able to provide the recommended security personnel.”*³⁵ The statement highlights the pernicious problems of security and of coordination with such a wide variety of actors. For the most part, these issues are out of the control of ELECT. ELECT, in coordination with the IEC, did take the steps of having weekly joint planning sessions on security with international and Afghan security forces and established a security unit within ELECT. Unfortunately, it appears that a situation that should have been easy to resolve in coordinating with ISAF³⁶ extended the process of finalizing the list of polling centre locations.

³³ An agreed criterion for opening polling centres in any given location was the ability of IEC staff as well as Afghan National Security Forces (ANSF) to be present/operate in that location.

³⁴ See ELECT Performance tracking Matrix, July – September 2009, page 12.

³⁵ See ELECT Risk Mitigation Log, April-June 2009, p. 1

³⁶ However, ELECT itself might be responsible for some of the delays. During the conversation with ISAF, it was mentioned that ISAF had requested ELECT even a preliminary unofficial list of polling centres – which ELECT had – so as to begin their planning, which involved the precise identification of the geographical coordinates of the polling centres. They had no problem in doing some extra work in relation to polling centres in the preliminary list that eventually would not be included in the final list. However, ELECT refused to share the draft list under the justification that IEC had not lent their approval.

There was never a final or definitive list of which polling centres and stations were or were not open on Election Day. This is due to the late finalization of the list, the extensive need to close centres due to the poor security situation on 20 August in many places, poor communications between some districts and provincial capitals, the fact that some district field coordinators would not be able to be physically present at every polling centre for which they were responsible in certain far flung areas, and the fact that some materials (from 6 polling centres³⁷) were lost in security incidents of locations that had legitimately conducted polling while other “ghost centres” did return polling materials. Because the list was finalized after the distribution of polling materials to provincial capitals, and in many cases from provincial capitals to districts, there was an excess of polling materials distributed throughout the country, potentially problematic for fraud management.

This problem was the one operational area that gave the appearance of mismanagement by ELECT and the IEC in the election preparations. It highlights the needs for good coordination between election authorities and local as well as international security forces. In addition, it points to some potential difficulties in risk mitigation that ELECT and the IEC had in electoral organisation. Operational difficulties become political problems quickly in Afghanistan. ELECT and the IEC must finalize the list of polling centres much earlier in the process and better coordinate with security forces. The experience of these elections should facilitate that task. Moreover, this problem, once it appeared, should have been attempted to be mitigated through other measures, such as ensuring a tight reconciliation of the sensitive material (especially ballots) distributed versus those returned to Provincial Election Offices and ensuring the keeping of useful records of staff who handled these materials (and possibly even tying salary payment to successful reconciliation of sensitive materials).

4.2.4 Process Impediments: Operational Planning and Procedures

With high political interests at stake, donors had requested ELECT to prepare a risk analysis and mitigation strategy, as they had for voter registration. The evaluation team received a May 2009 update of such a strategy from ELECT, which was confirmed to be the latest one formulated by ELECT. Fraud was widely expected, but many interlocutors have expressed surprise at the extent of fraud found when results processing began. ELECT and the IEC were naturally aware of the risks of fraud to these elections and had taken some steps to identify and address them.

ELECT’s risk analysis and mitigation framework discusses the risks to the election due to fraud in some detail.³⁸ Risk to the election is identified as “medium – significant,” with a high probability of occurring.³⁹ While “proxy voting, ballot stuffing, intimidation and vote buying” were all identified as likely types of fraud, only proxy voting is discussed in greater detail. As identified in the risk mitigation strategy, these risks were multiplied by the lack of control and oversight in insecure areas. Although robust fraud mitigation strategies are called for, the team finds that the most robust mechanisms were

³⁷ See ELECT Performance Tracking Matrix, July – September 2009, page 7.

³⁸ UNDP ELECT “Risk Analysis and Mitigation Framework” Updated May 2009, p. 5.

³⁹ This paper was written and circulated by the former Senior Election Adviser after he left his post and is available neither as a published article nor as an internal ELECT document. The evaluation team had access to it only in paper copy.

in place for data processing and audit while the counting procedures communicated a purposeful lack of oversight.

However, ELECT could have advised the IEC to put greater operational and procedural mitigation measures in place: special count procedures rather than counting at polling stations⁴⁰; ensuring a tamper-proof transfer of sensitive materials and results (although results returned to the tally centre without a temper evident bag would theoretically provoke and audit, allegedly this control was not fully enforced); providing for additional checks in the polling station results sheets; enabling additional checks of turnout by requesting for voter turnout information at mid-day and close of polls, as is the common practice; ensuring a tight ballot reconciliation etc. Although the tally centre had the strongest mitigation measures in place, there were systemic problems with data handling during the results process that indicate a greater need for strengthening technical capacity. The procedures for the count, results sheets, tallying and reporting on election day should be given close scrutiny for the 2010 elections.

This should be part of a careful analysis of risks, followed up by an effective follow-through on the implementation of the mitigation measures identified. The team found that on one hand, the donors have not been sufficiently engaged in assisting in the identification of risks and, on the other, that even the risks which were identified were not always implemented.

The procedures advised to put triggers in place to identify fraud during the tallying process, however generally successful, were undone by political decisions taken by the IEC Board of Commissioners. Given that the Board's crucial and, by appearances, political decision not to exclude ballots itself was the turning point in the delivery of a credible election with minimal disruption, appropriate risk mitigation thereto would have been some sort of constant and high level engagement with the IEC Board, either on the part of the CEA or UNAMA.

High level political engagement seems to have rather been through UNAMA directly with the President's offices on matters of policy. This was proper and necessary. However, in order to offer both carrots and sticks, it would be useful to have a strong on-going relationship with the commission. That could have only complemented the good offices of the SRSRG.

The risk that "*IEC does not perform or is not perceived to perform its duties in a neutral and independent manner*" is identified. However, it is identified to be of 'medium' likelihood of occurrence, and only at headquarters level. Moreover, while it is agreed that the impact on the process is medium-significant,

⁴⁰ Counting at polling stations is the standard recommended procedure, and it have also been recommended by some international election advisers and analysts as well as Afghan political operatives. . However, the validity of counting at polling stations depends very much on the possibility of having opposition agents in place and relies on the professionalism and impartiality of the polling station staff. There is also the question of the security of local communities in which the election outcomes are now immediately publicized and the risks involved in the transportation of ballot boxes to counting centers. In the context of Afghanistan, and in view of the foresights that the 2004/5 type of fraud provided, it might have been better to count at a reduced number of counting centers, were more controls could have been placed – for instance, the same type of controls that were later applied by the ECC. Although the subject is open to debate, it would have been difficult to counteract massive fraud no matter what kind of count procedure was used. See Annex 3 for a more detailed overview of the count process, tallying of results, and identification of fraud.

the mitigation strategy places very limited responsibility with either ELECT or UNAMA and their responsibility for mitigation relates mostly to addressing the perception issues.

Last but not least, it has also been reported that some 10,000 tribal security personnel were paid by the government of Afghanistan to provide polling security in areas impossible to secure with other forces. An assessment should be made as to whether polling centres under tribal security arrangements were more prone to have experienced fraud.

4.2.5 Process Impediments: Voter Marking Ink

As in previous elections, problems surfaced again with the indelible ink used to mark voters. This ink, which bonds with skin through silver nitrate, is the only measure used to prevent multiple voting given the lack of a voter list. However, bleach does remove the ink regardless of its silver nitrate content. It appears that this is an open secret in Afghanistan. Local and international media broadcast scenes of groups of people bleaching their inked fingers. Given the nature of the fraud problem in Afghanistan, multiple voting and the failure of ink as a security measure is more problematic for parliamentary and Provincial Council elections, in which vote margins of victory are tiny and small-scale or “retail” fraud impacts election results. However, the ink has been widely publicized as a security feature, and its continuing failure in each election has undermined the credibility of elections generally. This underscores the need for a functional voter register.

4.3 Support to Related Institutions - Media Commission

The Media Commission is established under the election law (article 51) by the IEC. Under the law, the IEC has the authority to determine the composition, responsibilities, and authority of the Media Commission, although the law declares that the commission must monitor media coverage of election campaigns and receives and addresses complaints related to breaches of the Mass Media Code of Conduct. It must be constituted a minimum of sixty days before the election date. The IEC has declared that it should be disbanded, similar to the Election Complaints Commission, within thirty days of the certification of election results. For this election, the Media Commission consisted of three commissioners who contracted media monitoring around the country for print media, radio, and television.

The Media Commission released weekly reports on the coverage received by candidates during the campaign and silence periods, both qualitative and quantitative. The Media Commission also ran a sponsored advertisement program (SAP), intended to provide access to media for all candidates by giving a set amount of funding for each candidate to run campaign advertisements. The SAP is supposed to guarantee equal access to the media for candidates as well as to give women greater access to public outreach tools. However, because they IEC voted not to ban buying commercials, as they had in 2005, the program was underutilized. For 2010, in consultation with the Media Commission, ELECT should consider ways to encourage the IEC to promote SAP and to better encourage the use of public funding of campaign commercials, although it will not be easy to provide equal access to the thousands of candidates that might be expected under the current SNTV system.

It appears that the Media Commission has had a very positive experience with the technical adviser embedded from ELECT. This adviser was a media commissioner during the 2005 elections and has been very familiar with both the Afghan media and with the functioning of the Media Commission. Retaining this adviser for the 2010 elections is highly recommended.

The Commission was truly independent and consistently reported on a pro-Karzai bias in state media as well as pro-Abdullah bias in certain other media outlets, such as Noor TV. The head of the Commission was called to the IEC Board of Commissioners to discuss this performance. It is understood that there may be some dissatisfaction with the performance of the Media Commission by the IEC board. There are, therefore, fears that the successful, competent, and independent media commissioners will not be re-appointed by the IEC when it is time to re-constitute the Commission for the 2010 election. UNAMA should pay close attention to the appointment of independent Media Commissioners, although ELECT should advise the IEC on the long-term benefits of a strong and independent Media Commission. Similarly, it should encourage the IEC re-constitute the Media Commission after only a symbolic closure in order to retain the expertise and to be ahead of the electoral cycle.

4.4 Support to Related Institutions – Electoral Complaints Commission

The relationship with the ECC was strained not only as a result of the governance structure under which the ECC was funded (reference is made to Section 3 above), but mostly by ELECT's involvement under the same management structures in defining the ECC's organisational set-up. While this set-up was supposed to enable it to implement its mandate effectively and efficiently this was defined by ELECT in two papers in November 2008 without the project having the technical expertise on complaints resolution processes.⁴¹ These papers highlight the need for establishing provincial offices and present three options for the ECC set-up (of which one, of approximately USD 6 million, only with headquarter structure supplemented by three-person investigatory teams based in regional centres) albeit without discussing advantages and disadvantages between them. Against the analysis in its own November 2007 background papers, at the beginning of March 2009, ELECT argued for the minimalist option of USD six million, with no presence at provincial level. This reduction in scope and size was justified by ELECT on the basis of the USD 114 million funding gap at that time⁴². Apparently at the encouragement of a former and future (at the time) ECC commissioner, who was present in country working with IFES, and cognizant of challenges ahead (an electoral environment characterised by high risks, with few other checks and balances available), the donors requested and negotiated with the SRSB that a more robust set-up for the ECC be ensured, as they saw a strong ECC to be critical in maintaining the integrity of the process.⁴³ In any case, the struggle over the ECC's budget size and structure significantly delayed the

⁴¹ ELECT *ECC Issues, Options and Costs November 17* and ELECT *ECC Issues, Options and Costs November 21*.

⁴² There was more than one project delayed by funding gaps. Donors, however, insisted that the money for such projects was always present but that before funds could be committed a plan and budget would have to be in place. See section below on civic education.

⁴³ This lack of transparency surrounding ELECT's decision-making on the set-up and support to be provided to the ECC was also raised as a concern by the donors.

ECC beginning operations has had an unfortunate impact on the ECC's outreach and capacity. This is acknowledged in ELECT's paper "ECC as at 1st October 2009 and Considerations for 2010", drafted by the Project Management Unit, which states that: *"It was not until the beginning of April 2009 that under pressure from the international community the ECC was to include not only a HQ in Kabul but also 34 provincial offices. This placed considerable strain on the ELECT Project."*

At the same time, the appointment of ECC commissioners was delayed by recruitment issues in New York. It had initially been considered, for reasons of advancing Afghan ownership, to recruit commissioners of dual nationality. The process continued to a somewhat advanced stage under this concept.

The ECC issues and options presented by ELECT present a number of additional contradictions: a) on one hand ELECT drafted these issues and options papers, and on other it establishes a role for itself to *"ensure that the infrastructure for the ECC is in place, and begin the process of recruiting advisors and other support staff"*. The papers also state that: *"The manner in which the ECC is established should not undermine perceptions of its independence and neutrality"*, that *"Within the framework of SC Resolution 1806, support to the ECC should be insulated from support to the electoral authority"* and that *"Government structures within ELECT should be amended to quarantine decisionmaking regarding the ECC component. This could include the establishment of subcommittees in place of the steering committee and project board when ECC issues and updates are discussed. Dedicated project management staff should be provided for the ECC component"* at the same time as *"Resources and technical assistance would be provided through UNDP ELECT [...]"*. As the ECC is intrinsically a body with judiciary mandate, the principle of separation of powers has not been respected both because the IEC is a member with voting rights on the Project Board which approves budgets and work plans or because the ECC set-up and funding have been defined under the auspices of the CEA to IEC.⁴⁴ Moreover, as the CEA is the adviser on all electoral matters to the SRSB and ELECT ultimately reports on programmatic issues to the SRSB, and as under the CEA's leadership ELECT has been involved in drafting operational plans and procedures for the electoral administration process (according to ELECT staff) a potential additional conflict of interest was created which could have affected the perception of UNAMA's neutrality vis-à-vis the ECC, including the latter role, processes and results (findings, orders etc.).⁴⁵ In a context where the political is technical and the technical is political, the evaluation team believes that the electoral process, its support and perceptions, could be better served by insulating these conflicts of interest. This should not only constitute a matter of principle – to be maintained but also promoted by example by ELECT – but also a method of protecting ELECT from potential accusations in case of highly contested results.

Again, the fact that ELECT interprets itself as the practical expression of SC Resolution 1806 and that *"within this framework, however, financial and other support mechanisms for the ECC must be insulated from support to electoral technical assistance to avoid undermining perceptions of the body's*

⁴⁴ The former Senior Electoral Adviser also contributed to this design.

⁴⁵ For more information about UNAMA's involvement with the ECC and potential or perceived conflicts of interest, see Annex 4.

independence” could be interpreted as a confusion between the mandate given to UNAMA to coordinate assistance and ELECT’s mandate to provide assistance itself.⁴⁶

Further strains on ELECT’s relationship with the ECC were placed by the fact that communication channels between ELECT and ECC were reportedly insufficiently open on ELECT’s side, with justified requests for administration and operational support being rejected outright for reasons related to systems and procedures rather than solutions, however delayed, being offered to be sought. For instance, no one in the ECC, including the commissioners, were allowed to be involved in the contracting governing their equipment leases, property rentals, and human resources. Tensions mounted between ELECT and the ECC for seemingly minor administrative hurdles. For instance, much has been made by of the fact that the international complaints commissioners refused to sign leases for provincial offices in their own names (for fear of personal liability), and ELECT was therefore forced to find a contractor to handle these leases.

The fact that the undefined “quarantine” method of providing support to ECC was not implemented could be a cause of this insufficient ability of the project’s to deliver for ECC and the resulting tensions. In any event, the ECC was only able to become fully operation in July 2009, despite the ELECT ECC issues and options papers and the project document acknowledging the need for the ECC to become operational in March 2009.

In the end, the ECC provided the only avenue by which the problematic election results could be defined, publicized, and made to impact the process. It is only through the ECC that the presidential election results have been granted some form of legitimacy under the law in the eyes of the international community. It is strange, therefore, that there should be on-going struggles over its scope for the 2010 elections. The expanded role of the ECC was only filled by the emergency efforts to bring up staffing levels at the last minute.

The handling of the order to audit and recount of September 8, 2009, is an interesting example of the SRSG’s extensive engagement with the elections process. At this point, rather than turning to the complaints commissioners and to the CEA, the SRSG sought external advice on how to best handle this order. Moreover, external advisers were brought in to develop a method and procedures for the order under UNAMA contracts and with the intention of dealing with both the IEC and the ECC. This certainly highlights the practical effect of the CEA’s conflictual role, that this function couldn’t be served by existing personnel. In addition, this had the effect of imposing a solution with which the ECC had little familiarity. Unsurprising mis-steps in the handling of the statistical methodology damaged the perception of United Nations neutrality in the process. The team wonders why all necessary expertise was not simply brought in under the auspices of the ECC.

Although this highlights problems of relations between ELECT and the ECC (and perhaps, as extension, also between UNAMA and the ECC), there is not a good alternative to providing support to the ECC outside of the United Nations umbrella. It is certainly not a task that a donor country or group could take up or contract out and allow the commission to maintain a reputation of independence and

⁴⁶ This also applies to the provision of assistance to FEFA and civil society organisations and the media (for civic education).

neutrality. However, the UN should act more as a conduit for funding rather than having the ability to structure the organization. Current commissioners should have a voice in future structure, appointment of commissioners, and legal mandate.

It is important to acknowledge the temporary nature of the mandate of the ECC. The ECC is mandated through the Election Law, which was written in 2005 and is perennially under review in the parliament but has not yet been amended. When the law is amended, it is possible and proper that the international presence on the commission will be omitted, or that the ECC's function will be filled by an existing judicial body. The importance and prominence of the ECC was unexpectedly increased by the IEC's decision not to exclude fraudulent results itself. This resulted in a situation where the internationally dominated body lent credibility and true independence to the election process, but at the same time exposing the UN to charges that the 'UN backed commission' was fixing election results.

4.5 Support to Related Institutions – Domestic Observers (FEFA)

The same conflicts of interest which apply to ELECT supporting the ECC characterised the support provided by the project to domestic observation activities. While having IEC co-responsible for funding domestic observation through ELECT (in IEC's capacity as Project Board member) is not recommendable for principle reasons, having ELECT, through the CEA, responsible for advising on budgeting for domestic observers had the potential to place a strain on the CEA's relationship with either the IEC or the observers. This is not only because the two organisations were competing for funds from the same basket but also because of the likely tense relations between an IEC perceived to lack sufficient political independence and a watch dog perceived to be impartial and, therefore, critical.

The Project identified the Free and Fair Elections Foundation of Afghanistan (FEFA) as the sole (umbrella) organisation to receive support for undertaking domestic observation activities. This concentration involved some dangers: in case the neutrality of the chosen organization is brought into question, the objectives of the project might be jeopardized. Nevertheless, the concentration was difficult to avoid, as FEFA was the only NGO that could realistically claim to cover the whole country⁴⁷. Furthermore, FEFA has since 2004 been the main domestic platform for electoral observation, which entails a comparatively extensive experience and therefore capacity. For the voter card top-up exercise ELECT introduced a funding modality for FEFA which did not allow it to deploy as many observers and as timely as planned. A contract was signed with the organisation instead of providing a grant to it.⁴⁸ This resulted in FEFA needing to advance funds which it did not have. Moreover, this contract was only signed late in the process (at the end of October 2008) and enabled FEFA to observe extensively only the last three phases of the exercise.

⁴⁷ However, some experts indicated that there were other organizations that might have been able to do the job, if provided with adequate support.

⁴⁸ This funding modality was problematic for the same reasons as discussed with regard to providing operating funds in the provinces. Moreover, the modality increases the risk of a perception of conflicts of interest within ELECT, as a contractor has greater control over a contractee than a grantor has over a grantee. Donors made this point to the team in regard to their own funding of ELECT.

In May 2009, ELECT undertook a desk assessment of FEFA on the basis of, among others, an assessment of the organisation carried on by an external evaluator (Robert Kluijver) in December 2008. Its findings are, among others, that “FEFA poses capacity to carry out projects related to election observation”. This desk assessment does not re-iterate any of concerns identified by the external evaluator (important for ELECT’s future assistance to FEFA being the organisation’s capacity to collect and analyze raw data, to produce solid reports. For instance, the report suggests the provision of statistical analysis advice to FEFA. Moreover, the report suggests that advisers be recruited on the basis of ToRs defined and final candidate selection done by FEFA). According to information received by the evaluation team from FEFA, none of these recommendations was taken into account by ELECT in its future provision of funding. In an improvement compared to the initial funding modalities, a grant was provided to FEFA on 12 May 2009 which did not allow FEFA to observe the candidate nomination process thoroughly. As specialized expertise was not provided to FEFA, reports of international observers indicate continued problems with raw data collection and analysis as well as with final reporting.

4.6 Support to Civic Education

While the civil society organisations contracted by ELECT to undertake civic education did not have conflicts of interest with either the IEC or ELECT as a provider of technical advice to IEC, requesting these organisations as part of the project design to disseminate IEC-branded material during their civic education activities had the potential for undermining these organisations’ neutrality given the public perceptions of IEC lacking sufficient political independence.

Enabling civic empowerment through civic education⁴⁹ has been another challenge for the project. First, according to donors, the initial budget of approximately USD 20 million dedicated for two years for civic education was reduced to USD 15 million and then to USD 2.5 million for 2009 only. At the time of writing this report, only approximately USD 1.4 million was spent.⁵⁰

According to information received from ELECT (including the final report on civic education), the scope of civic empowerment programming was not only constrained by budget limitations imposed by delays in the Project Board approving the budget,⁵¹ it was also further reduced by factors internal to the project. This was while the donors seemed to be the only ones acknowledging the important role that the civil society (including the domestic observers) could play in mitigating the high risks they identified with the process ahead. According to the minutes of the Project Board of 28th January 2009, Switzerland (SDC) announced a contribution to the common basket fund for the ELECT project of 1.5 million Swiss Francs for the two years of the project.

First, donors initiated consultations with the civil society (approximately 20 organisations had been identified by donors for this purpose) in November 2008. Until January 2009, little follow-up was

⁴⁹ The evaluation will not cover civic education through the media (a report on impact is not available).

⁵⁰ Final spending figures will only be made available by ELECT at a future stage.

⁵¹ These delays were a result of a political constraint imposed in March by the international community on funding in the absence of a date announced for the conduct of the Presidential election. However, according to

undertaken by ELECT to ensure timely launches of a comprehensive civic education campaign. Only in March 2009 ELECT finalized a concept note after a few rounds of consultations with civil society organisations which were successful to varying extents.

Second, a request for proposals was finally issued in late March; interested organisation had to submit a proposal within a week from the request for proposals being issued by ELECT. Despite donors requesting for the deadline to be extended for a couple of more days, this likely had an effect on the potential participation of small NGOs not based in Kabul.

Third, UNDP requires a minimum standard of capacity of an organisation to receive funds. Upon a desk capacity assessment of the organisations which submitted proposals, ELECT was unfortunately required to eliminate numerous organisations due to a lack of capacity.

Fourth, activity programming and messaging was not allowed to be developed by the organisations themselves, as they had proposed themselves (according to the final report on civic education produced by ELECT, “once UNDP told the organisations that UNDP would not provide a grant or funding to one organisation for materials development, but rather provide honorariums for individuals, the NGOs lost interest and ELECT could not identify any Afghan organisation with which to work”) and only organisations which accepted to use ELECT-formulated messaging were finally engaged.

It is commendable that a final report with some lessons learned identified and discussed has been completed by ELECT and made available to donors. The report is useful and more introspective than most reports issued by ELECT. A couple of areas of enhancement would relate to reporting on actual impact and acknowledging the need to map politicization among prospective organisations.

4.7 Recommendations Concerning Output Delivery and Implementation of Programmed Activities

It should be mentioned that the recommendations below refer to the subjects dealt with in the previous sections. However, recommendations concerning registration are included in the respective sections (Some comments on the 2010 Parliamentary and District Elections and Some Considerations Related to Post-2010 Activities). Similarly, comments related to Transfer of Knowledge, Capacity and Organizational Development and Sustainability, Information Handling and Receptivity to External Advice, Relationship with Donors and UNDP Regulations are included after the respective sections, although a few overlaps and repetitions may have occurred.

4.7.1 Recommendations concerning Support to the IEC and Electoral Outputs:

1. Increase ELECT’s administrative adaptation to the field while ensuring compliance with financial accounting for both ELECT and the IEC. Establish responsibility for spending and hiring without removing decision making authority from appropriate personnel.
 - a. Strengthen ties to the CO in order to facilitate procurement and hiring.

- b. Work with the IEC with the aim of strengthening internal IEC financial controls (for instance in reviewing contracts and tying payments to performance at provincial, district, and polling staff levels).
 - c. Focus on the development of robust controls in financial transactions, hiring, and impartial behaviour as a priority for capacity building activities and planning with the IEC
 - d. Implement controls at provincial and regional levels to allow for de-centralization of contracting.
 - e. Increase the availability of petty cash.
2. Use the presence of internationals to provide a cover for IEC staff not to engage in corrupt behaviour or become targets of intimidation: from the provincial level through the board of commissioners.
3. Establish strong working relationships with the commissioners: attend commission meetings and allow for observation by stakeholders. Open space to use funding leverage to support the commission in resisting political pressures.
4. Operational and procedural planning should be undertaken jointly with the IEC and written advice should be made available to the IEC as to the advantages and disadvantages of various options for the conduct of operations.
5. Primary attention in planning should be given to procedures to reduce the occurrence of fraud rather than to increase the detection of fraud. Fraud and the acceptability of results should be expected and inform the operations and procedural development.
 - a. Reconsider a centralized or provincial count
 - b. If counting in polling stations, the following should be considered in planning and advice:
 - i. Streamline the procedures (speed up the process).
 - ii. Consider using tally sheets.
 - iii. Include a separate column for writing out the total votes per candidate or another method to protect results forms (pack a carbon copy rather than the original in the tamper evident bag, etc.).
 - c. Require turnout reports during polling day (at least at noon).
 - d. Focus on establishing and maintaining chain of custody of sensitive materials.
 - e. Focus on intake procedures following polling at the provincial level (regardless of count local).
 - f. Publicize and implement tight ballot reconciliation quickly following polling, counting, and intake.

- g. Create, act on, and publicize a comprehensive blacklist of IEC or ELECT employees involved in suspected misconduct.
- h. Assess where problems of security overlap with incidence of fraud and plan accordingly.
 - i. Re-evaluate the use of tribal security forces.
 - ii. Coordinate with security forces to finalize the list of polling locations early.
 - iii. Reduce expectations of the performance of voter marking ink as a control against multiple voting.

4.7.2 Recommendations on Support to the Media Commission:

- 1. Encourage the re-appointment of a strongly independent Media Commission by the IEC and retain the MC adviser.

4.7.3 Recommendations on Support to the ECC:

- 1. Housing support to ECC should be a joint decision of UNAMA and donors, carefully balancing political needs for independence and administrative needs for flexible support. It may be desirable to organise a workshop with participation from the ECC, UNAMA Electoral Unit and donor representatives to discuss the options ahead. In any case, the scope and modalities of supporting the ECC should not be decided by the team providing advice to the IEC and should be based on specific expertise.
- 2. The ECC should be involved in managing the administrative and logistics aspects of the support received.
- 3. Any technical assistance provided discretely to the ECC – should this ever be an option again – should be based on the same basic principles of ownership: the advisers' allegiance should be with the institution they advise. Providing advice to the IEC and the ECC by the same advisers should be avoided.
- 4. When feasible, option papers for a longer-term solution to supporting electoral law enforcement should be developed in conjunction with relevant new legislation.

4.7.4 Recommendations for Support to Domestic Observation:

- 1. Opportunities for increasing the variety of domestic observation groups should be scoped out.
- 2. Funding modalities for domestic observers should be timely, adequate for the purpose and independent, in order to enable the organisations to achieve their role. For 2010, direct funding by pooled donor funds, similar to funding for the 2005 elections, should be considered in order to insulate FEFA from potential conflicts of interest with ELECT as a main provider of technical assistance to IEC.

3. FEFA's ownership over the observation process should be ensured by allowing or working in consultation with FEFA to identify capacity development needs. Needs identification should take into consideration the previous independent assessments undertaken to this effect.
4. Ownership should also be ensured by engaging FEFA in the development of ToRs and the selection of advisers for the technical assistance to be received.
5. A strategy for FEFA's role in the post-electoral periods should be developed with the support of the technical assistance providers.

4.7.5 Recommendations for Support to Civic Education:

1. Support to civic education should be long term and should be based on a strategy which includes face-to-face activities as well as media and other innovative programming. Training journalists could be considered under the same strategy.
2. Programming and messaging should be defined by the civil society organisations themselves, with technical assistance provided as necessary). Distinct audience categories (such as the women, or the youth for example) will need to be targeted specifically. Wherever possible, linkages with conflict transformation activities should be built.
3. Technical assistance should be decided jointly with the recipient organisation and should be embedded with the organisations needing it – under the same ownership principles recommended for domestic observers above.
4. Where necessary, technical assistance could extend to financial management and reporting.
5. It should be ensured that civil society organisations are not affected by being associated with a politicised organisation. Funding by discrete pooled donor funding would ensure this objective.
6. Unless flexible and rapid mechanisms and systems are available through the UN system, funding for civil society organisations or the media should be channelled outside UN-managed platforms
7. A thorough mapping of the civil society organisations should be undertaken in order to identify potential political bias but also capacity development/technical assistance needs

8. Consideration should be given as to whether the state is capable of institutionalising civic education through the national education system post-2010 while identifying realistic risks associated with this option⁵².

5. Transfer of Knowledge, Capacity and Organisational Development and Sustainability

During the interviews held by the team, different viewpoints concerning capacity-building (or the lack of it) were expressed. The donors, on the one hand, have insisted on the need to emphasize it, and have pressured ELECT to fill the post of Capacity-Building Adviser which exists in the staffing table⁵³. On the other hand, the top management of ELECT argues that it has instituted a structurally based capacity development approach, similar to those taken during the previous operational periods (2003-5), in which Afghans learn on the job by working closely with an international counterpart. Capacity building, in their view, is taking place all the time, through the daily interactions of ELECT advisers with their counterparts.

It should be noted that the proper denomination for the process which according to ELECT is taken place is “transfer of knowledge”, a less pretentious term than “capacity-building” which has an altogether different meaning. The problem is that the success of this approach is highly idiosyncratic: whatever learning-by-doing that takes place depends fundamentally on the relationship between the individuals involved. A transaction where foreign Adviser A prepares an operational plan or drafts a procedure, which then submits the draft to a national Counterpart B for approval and final decision is not a transfer of knowledge, but essentially a transfer of responsibility (as compared with the situation in 2004/5, when the decisions were formally made by foreigners). If, on the other hand, the transaction involves working together on developing the plan or procedure, then it is quite possible that an effective transfer of knowledge takes place. It is the impression of the team that a significant number of ELECT/counterpart transactions follow the first rather than the second pattern.

Independent of the content of the transactions, relationships at a personal level seem to be strong. While there were complaints about senior Afghans being advised by junior United Nations Volunteers (UNVs) with perhaps dubious experience levels to be serving as advisers, there were few complaints expressed regarding the individual relationships at the headquarters level. Those the team met with on the regional and provincial levels also expressed great satisfaction in these relationships. However, this system of capacity building can be improved by offering international advisers training on their role and regular checks with Afghans and internationals regarding the status of the advising.

⁵² With a ratio of secondary school enrolment of 9% for women and 28% for men according to UNICEF, institutionalizing civic education through the national education system certainly has limitations.

⁵³ The United States Congressional Special Inspector General for Afghan Reconstruction (SIGAR) report is quite explicit on the subject, as it recommends to develop (1) a strategic plan to address national electoral capacity, matched with an Afghan budget and human resource structure capable of supporting sustainable electoral processes; and (2) request United Nations hire a capacity development adviser or appoint an executive agent to coordinate an overall strategy with IEC, United Nations, and major donors and stakeholders, for monitoring the status and progress of all capacity building efforts in Afghanistan.

There are, however, systematic tensions between ELECT advisers and the IEC. Some ELECT advisers tend to regard the IEC as incapable of carrying out the election and suggest that ELECT has ended up with a more direct implementation attitude and role in implementing the operations. Senior officials with the IEC have complained that ELECT has acted as if they were supervisors rather than advisers. Staff members from ELECT have expressed the view that the IEC is somewhat weak, nepotistic, and corrupt. Both critiques appear to have some basis in reality. However, despite adjusting some of its relations with the IEC, for instance, re-instating a practice of giving the IEC greater access to the recruitment of ELECT advisers, ELECT has been unable to create a perception that they are cooperative and present to assist.

On the contrary, it is the strong impression of the team that ELECT advisers embedded with the IEC felt ownership over the elections process. Advisers at both the headquarters and provincial levels freely stated that international staff members drove the process and that they had the same job to do as in 2004/5 but with a quarter of the staff. Much of this sentiment may indeed be true, but it is difficult to assess how and to what extent there were opportunities for advisers to the IEC to operate on a different assumption. Regardless of the reasons, this certainly increased the tensions over the IEC board of commissioners' decision making processes, as ELECT saw itself as implementing in a capricious policy making environment. It most likely also soured relations between top ELECT and top IEC secretariat staff.

The IEC has struggled to assert ownership, not over the electoral process, but over relations with ELECT. This is a pattern that has been mirrored in ELECT's relations with other, smaller recipients of technical assistance. For instance, the IEC has complained about ELECT's use of the words "Afghan elections" for its own web site, about the fact that ELECT's Chief of Operations did not use an advisory job title, about the lack of IEC participation in election-related contracting and hiring, and about the use of funds on an ELECT compound while a promised media centre remained un-built. None of these complaints relate to electoral policy. The Secretariat's complaints about ELECT's human resources decisions are perhaps most illuminating of the relational problems. The IEC has requested to have greater consultation with ELECT when hiring advisers intended to work within the IEC. There has been some evolution of ELECT's input to this hiring process. Initially, ELECT was shown candidates for adviser positions and asked for their opinion prior to hiring. Senior IEC staff also sat on interview panels for ELECT senior management. The IEC asked its staff for opinions about internationals that had worked on previous elections and exercised a veto on a number of candidates. This process was changed, apparently due to UNDP standard practices, at some time during the preparations for this summer's election. The IEC was no longer asked its opinion of potential candidates and several ELECT advisers arrived as surprises to the IEC. Since that time, the IEC strove to return to the previous arrangement. It seems that the IEC is now invited to participate in the vetting of adviser candidates. However, the re-imposition of the status quo ante has not lessened the IEC's concern over its role in choosing and receiving advisers. An additional point of contention is that provincial election advisers (PEAs) have been hired for provinces in which the UN cannot operate⁵⁴. These PEAs have been working from regional hubs and there are quite a number

⁵⁴ It should be noted that deploying provincial advisers to the regional hubs instead of provinces was used in 2004 and 2005 (although in a much more limited capacity and under a direct implementation modality), and the security

of them. This strikes the IEC management as wasteful and useless. This is one of a number of complaints about the spending of ELECT's budget without directly assisting the elections that bothers the IEC management. These issues, staffing and budget, are the heart of the struggle for ownership. It is recommended that ELECT continue to allow all of its recipient organisations to participate in the choice of staff embedded and that the IEC in particular have some sort of participation over the portion of budget spent specifically for the IEC. This may also reinforce to the IEC the fact that the ELECT budget is spent on a range of activities, only one of which is the IEC. Eventual transfer of knowledge as described contributes to the development in the national counterparts of what is usually called "tacit or implicit knowledge", a concept which refers to a knowledge which is only known by an individual and that is difficult to communicate to the rest of an organisation.⁵⁵ But a large part of electoral knowledge is "explicit knowledge" susceptible to be communicated in written or other forms. It is quite easy to observe: it takes the form of lessons learned exercises, written debriefings, and the like. The following quote from the evaluation of the 2003/5 process by Cook and Finn clearly illustrates the argument:

The Afghanistan experience has much to offer in terms of positive and constructive lessons learned in the management and execution of highly complex election projects. It will be critical to institutionalise the lessons learned from the process so far, identify best practices, and develop a vision for the future that is both practical and achievable, based on principles of harmonisation, ownership and collaboration.

It is the impression of the team that the performance of ELECT in developing this kind of materials has been rather weak and has not followed the quoted advice. For instance, it is not the practice of ELECT to have those who are leaving the project to produce written debriefings. In one of several telephone interviews the team held with former staff, the interviewee commented that he had offered to produce such a document, but that the reply received was: What for? Similarly, there was an important and costly lessons learned exercise (referring to the experience of the Presidential Elections) held on 16 September 2009, which has not as yet resulted in any written document.⁵⁶ The team received and used written notes prepared by one of the donors.

situation has never allowed for the establishment of permanent UN offices in all provinces of Afghanistan. Placing Officers at regional hubs makes sense in some cases, as they may be able to travel to the province they cover on a regular basis even if they cannot live there. Even if travel is limited, it can be argued that having at least one dedicated ELECT officer following each province in Afghanistan, whether from the province, a regional hub, or Kabul, would be advisable or necessary. As of May 2009, ELECT had advisers deployed to fourteen provinces, planned to deploy to five more, was commuting to six from regional hubs, and had no deployment in nine. Advisers in roughly two in five provinces were either commuting or "visiting".

⁵⁵ The tacit aspects of knowledge are those that cannot be codified, but can only be transmitted via training or gained through personal experience. Tacit knowledge has been described as "know-how" -- as opposed to "know-what" (facts), "know-why" (science), or "know-who" (networking). It involves learning and skill but not in a way that can be written down.

⁵⁶ When the issue was raised with the CEA, she expressed that it had not been produced since one of the conditions placed by the OSCE/EST team (referred to as co-organizer of the event) was that it should not be done before the publication of their final report. When the subject was raised with the OSCE/EST team, such agreement was not acknowledged.

The only other document reviewing the experience of an ELECT unit which was provided to the team was a final activity report produced by the staff member in charge of the relations with CSOs. However, this report underlines some of the problems existing in transfer of knowledge and capacity development, at least in the case of CSOs.

ELECT began its materials development activities in March.⁵⁷ Initially, ELECT planned on working with Afghan organizations on creating civic education materials, including a manual, flip charts, posters, and leaflets. The initial plan was a collaborative set of materials developed and distributed with the organizations. However, once UNDP told the organizations that UNDP would not provide a grant or funding to one organization for materials development, but rather provide honorariums for individuals, the NGOs lost interest and ELECT could not identify any Afghan organization with which to work.

.....

During the initial stakeholder workshops, the organizations began to work together and form a loose group. While this is a positive outcome, it became a negative when they expected ELECT to provide the group all of the funds and have the group distribute the funds as they saw fit. After the discussion that ELECT would not provide the funds to the group, interest from Afghan NGOs drastically decreased. It appeared that when they did not have control of the funds, they did not want to participate any longer; clearly an illustration of the lack of understanding of the role of civil society and available funding modalities.

.....

*Each partner group faces capacity issues; albeit different. Some issues involve content and others involve financial systems and programmatic reporting. UNDP spent a lot of time and resources working with the groups on proper financial documentation. **While this is an excellent capacity building exercise, it took time and resources away from content delivery.** (emphasis added)*

In any event, this type of capacity building only teaches the present staff of the IEC how to run an operation. The approach is completely dependent on the knowledge intrinsic to the individual as opposed to the IEC itself. There is little evidence that much has been done to contribute to the organisational development of the IEC in other aspects. There are organisational problems in the IEC structure, first among them the absence of a dedicated voter registration unit, which have not been given the attention they should receive, as they are not directly related to the central concern of the conduct of elections. By the end of 2007, one of the most prestigious specialists in the field conducted an organisational study of the IEC commissioned by one of the implementing partners working under bilateral arrangements. Rather than trying to build on the recommendations of the study, the results were summarily dismissed:

⁵⁷According to the mentioned report, "The project documents of August 2008 focused on voter registration. Additional outputs were not approved by the donors until December 2008 and funds were not available from the donors until March 2009."

A capacity assessment carried out a year ago seriously overstated some realities in terms of the independence, functioning and capacities of the electoral management body.⁵⁸

Even if the capacity assessment was found inadequate, the perception of the IEC's organisational realities implicit in the argument should have provided a reason for serious organisational development efforts on the part of ELECT, including the development of analysis by its own specialists.⁵⁹ The weaknesses of the IEC are sometimes employed to emphasize the need for further support and funding for the ELECT operation, rather than as the starting point for a serious effort to develop IEC's organisational capacities.

One area in which adequate capacity development efforts have been assessed by the team to have been adequately employed is that of gender mainstreaming. According to the reports analysed by the team and consultations held, with the assistance of the ELECT Gender Adviser a Gender Unit was established in the IEC Secretariat. Moreover, as supported by the Gender Adviser and by the IEC Commissioner responsible for gender equity, this Gender Unit's staff was at the core of developing a strategy for the Gender Unit and of ensuring broad consultations with other Secretariat Departments, in which field staff were also requested to participate.⁶⁰ However, some of these efforts have been either limited by the absence of a dedicated budget⁶¹ for gender equity activities or overshadowed by inaction on specific recommendations in relation to the Gender Adviser/Gender Unit's analysis regarding the fraud assessed to have been committed in relation to female registration in some conservative parts of the country. Another aspect of gender mainstreaming to be pursued is that of ELECT increasing its gender balance in its own staffing (according to an analysis carried out in July 2009, at that time female staff amounted to a mere 13.3% of the total ELECT staff with only 5.1% of the national staff and 24.2% of the international staff).⁶² This would not only serve an internal ELECT gender equity purpose in itself but would provide the necessary incentives for such specific capacity development to the IEC, too.

The situation described is probably the reason behind the donors' insistence on filling the position of Capacity Building Advisor. Such need was agreed, in theory, by ELECT's management. Thus, the December 2008 ProDoc revision mentions that the position has been agreed with the IEC during the second half of 2008, while in fact the IEC had been requesting that ELECT enhanced its capacity building efforts for many months. In the first quarterly report of 2009 it is mentioned that a Capacity Building Advisor position is under recruitment; and that it is anticipated the position will be filled in course of the

⁵⁸ ELECT, First Quarterly Report 2009

⁵⁹ It should be mentioned, though, that it does not seem that there is specific professional knowledge in capacity and organisational development among the top management or within the ELECT team.

⁶⁰ If more areas in which such efforts were made exist, the team has not been able to identify them.

⁶¹ For instance, even though a kindergarten is required by law to facilitate the recruitment of female staff for the IEC, no specific budget provisions were made to this effect. To correct this situation, the Gender Adviser took it upon herself to raise funds bilaterally.

⁶² It has been mentioned to the team that ELECT made efforts to recruit female international staff but that little understanding was shown as to the context in which female national staff could be recruited. As of October 2009, some changes in the recruitment procedures appear to have been allowed to facilitate, for instance, the recruitment of female translators.

next quarter. But the practical disposition to do so is less evident. When the specific case was consulted with HR/CO, the answer received was:

We initiate recruitment based on requests from ELECT. ...The request was received by the Country Office on 10 August (2009). For international posts, we send the request first to NY for post creation. This was done by the Country Office on 11 August, and upon receipt of a post number we send the classification documents for post classification. This was done on 16 August and the response was received on 31 August (which is normally a two-week process). Following the classification, we advertised the post with a closing date of 19 September.

Furthermore, since the beginning ELECT assigned a relatively low level (P-3) for this post, which would make it difficult to recruit a high-level candidate. Despite claims made to the evaluation team that ELECT's attention was drawn recently about the inadequacy of this level, no action has been taken to date to amend the classification.

The recommendation to prioritize the hiring of a Capacity Building Adviser was put forward by the recent United States Congressional review of the Special Inspector General for Afghan Reconstruction (SIGAR). When discussing this recommendation with ELECT senior management, some exasperation was expressed. ELECT's position being that capacity development was happening constantly through on-the-job learning. The team feels that perhaps the purpose of the position and the limitation of on-the-job learning should be emphasized.

Capacity development would entail efforts related to management knowledge and tools, beyond the electoral domain. A training programme in project management would be an example of such emphasis. However, no systematic training efforts seem to take place inside the IEC, nor specific efforts by ELECT to correct such state of affairs. Most of the training efforts within IEC have been devoted to several BRIDGE⁶³ programs, conducted at all levels of the organisation. BRIDGE is a wonderful tool to provide an overall knowledge of all aspects of the electoral cycle, especially apt for new electoral commissioners, but not the kind of specific training that enables the implementing arm of the IEC, its Secretariat, to perform its mandate. There have also been series of trainings in English language and computer skills, seemingly in response to demand from within the IEC. It is clear that computer skills are necessary for election management, but English language training is questionable as a capacity building curriculum.⁶⁴ Indeed, these trainings will better enable IEC staff to find higher paying jobs with international organisations and NGOs.

Sustainability - the capacity to endure - is a *sine qua non* quality of the changes to be introduced, either via the positive impact of the transfer of knowledge (apparently the core of the present concept of "capacity building" within ELECT), or through the permanence of organisational changes and reforms. The inability to sustain the not insignificant experience gained by Afghan personnel after the 2004/5

⁶³ Building Resources in Democracy, Governance and Elections, a modular professional development program with a particular focus on electoral processes, established by the Australian Electoral Commission (AEC), International IDEA, International Foundation of Electoral Systems (IFES), United Nations Development Program (UNDP) and the United Nations Electoral Assistance Division (UNEAD).

⁶⁴ A very small number of staff have also received logistics trainings out of the country.

electoral cycle is interpreted by ELECT as a consequence of the reluctance of donors to provide adequate funding during 2006/8:

*The funding graveyard that existed in Afghanistan indicated by the lack of investment in democratic governance and electoral support during the years 2005 to August 2008 guaranteed that the current electoral cycle would be beset by challenges ...*⁶⁵

However, there were an additional number of factors that resulted in lack of sustainability in the years following the electoral events of 2004 and 2005:

*... At the end of 2004 all the Afghan personnel within the JEMB and many of the Secretariat staff departed rendering the capacity-building and sustainability problem largely academic. ...*⁶⁶

*... While this drama has played out, the situation of the IEC Secretariat has become very difficult. Engrossed in their own salary dispute with the Government, the commissioners have been slow to present renewal contracts to UNDP for the secretariat, both at headquarters and in the field. This has led to disgruntlement and could result in the loss of qualified personnel. ...*⁶⁷

The problems found in building the capacity of the IEC went quite beyond the willingness of the donors to provide funding and, as mentioned previously, the initial version of ELECT may have suffered from some external and internal constraints, not related to donor funding. A similar situation might develop after the 2009/10 electoral cycle if efforts concentrate in transfer of knowledge, without working effectively in creating the organisational capacity to retain key personnel – which does not seem to be a central concern. There may be different lectures of the past, but in all cases sustainability is a far more complex issue than the availability of adequate donor funding. For instance, the commendable practice initiated by ELECT to channel funds directly to the IEC for staff salaries and other administrative payments (office leases etc.) should be further built upon and streamlined through some type of on-budget support. Consideration could be given as to whether this could be discussed with the Ministry of Finance and whether, in this case, checks and balances could be developed by the team providing advice to the IEC to serve as safeguards against financial mismanagement. Such a practice would not only enhance the IEC's ownership over the electoral administration process, but will also contribute to further building the institution's capacity. Moreover, channeling donor funds directly to the state budget would also contribute to enhancing the government's commitment to the country's electoral processes and substantially enhance the IEC's financial independence.

However, the best test of the advance in terms of capacity development will be the advisory resources that will be deemed necessary to support the forthcoming Parliamentary and District elections. The "relentless pressures and almost impossible deadlines" that characterized the provision of advice to the

⁶⁵ ELECT, Second Quarterly Report, 2009.

⁶⁶ Ibid

⁶⁷ Ibid

Presidential and Provincial Council elections may not be present to the same degree.⁶⁸ The IEC implementing and ELECT advisory teams have had the experience of an update of the Register of Voters⁶⁹ and of an election at national level. Many of the requirements – identification of polling stations, hiring of personnel, procurement of non consumables, etc. – are now partially fulfilled, and only adjustments (although in some cases major) will be required. For the Presidential elections it was necessary to develop an operational plan from scratch while for the next round of elections only an adaptation will be necessary. The threats to security and the identification of areas where polling centres cannot be opened are hopefully better understood after the August experience. The ability of IEC to implement should have increased, and the need for advice and support from ELECT equivalently diminished. If this did not happen, then there has been a serious failure in terms of capacity and organisational development.

5.1 Recommendations on Capacity Development and Sustainability:

1. ELECT should, as a priority, recruit a Capacity Building Advisor at a level equivalent to the Operations Advisor to head a capacity building team (see recommendations for Section 10 for development of this idea).
2. The capacity building team should conduct an organizational needs assessment of the IEC to inform planning and develop a capacity development plan, to include organizational development. The capacity building plan should have clear and measurable capacity development goals.
3. For the 2010 election cycle, capacity development activities should include both a counterpart/on the job learning approach and more formal skills training (as is possible given the operation and instead of further development of the BRIDGE program during this time).
 - a. Progress in this approach should be tracked.
 - b. Areas for trainings of appropriate staff include program management, asset management, financial accounting, procurement and logistics.
4. International advisers to all recipient organisations should receive training on working with counterparts and the maximization of transfers of knowledge. The Paris Principles should be included in this training. As importantly, the advisory teams should receive briefings in the

⁶⁸ It is acknowledged that the complexity and fluidity of the political context will most certainly trigger new pressures placed on support to elections, in particular in relation to timelines and the support project's ability to deliver under such constraints. However, most electoral assets and materials have been procured; human resources are in place both in the IEC and inside the current version of ELECT; and most operational plans and coordination relations with security providers have been established. It is therefore assumed that less efforts will need to be deployed in preparation for the 2010 elections, in particular in case district elections do not take place.

⁶⁹ Even if the exercise was formally an update, the planning, logistics and implementation is not too different from that a full fledged registration exercise.

political context in which they are operating (the UNAMA Electoral Unit could be tasked with this role).

5. Options for direct budgetary support to the IEC should be developed jointly by the IEC with the team providing assistance to the IEC and donors. The Ministry of Finance should be consulted. Checks and balances should be incorporated in the financial support/asset transfer agreements with the IEC to prevent financial and asset mismanagement (see recommendation no.8 under the Section 'Project Implementation from an Internal Regulations Perspective'.
6. All advisers should be required to conduct regular oral debriefings with counterparts and to jointly write lessons learned following an operation. Furthermore, advisers should, during their tenure, work with their counterparts to develop written guidelines for their respective role and other materials to embed knowledge within the recipient organizations.⁷⁰
7. All efforts should be oriented to advise and build the capacity of the recipient organizations. If greater intervention is required or a more direct implementation approach is desired based on a needs assessment of the organization, decisions to adjust the advisory mandate of the support would be taken at a political level.
8. Continue the efforts at gender mainstreaming and dedicate a budget to this unit.

6. Information Handling and Receptivity to External Advice

A careful reading of the Annual, Quarterly and Weekly Reports produced by UNDP/ELECT suggests an information overload: minor events, like the training of a group of Media Liaison Assistants is given almost the same attention that a major achievement such as the extremely rapid initial deployment of ELECT after funding became available.

Since there is a full annex on voter registration, the subject may be used as an example of the characteristics of coverage and to illustrate potential inadequacies in the flow of information. A very large amount of information is provided initially concerning the arrival and delivery of the materials needed for registration, later to the implementation of a biometric verification system, the testing of the biometric hardware⁷¹ and software at the Pinnacle Micro ISO certified assembly plant in South Africa, and finally the progressive scanning of the near 5,000,000 forms. However, at no place is there a discussion and/or analysis of the effectiveness of the costly measures. Donors seem to have been left with the impression that the AFIS (Automated Fingerprint Identification System) system procured was an effective tool against double registration. No clear explanation⁷² seems to have been provided

⁷⁰ See, for instance, the IFES funded project to this effect at the close of the 2005 electoral cycle which is present in the IEC archives.

⁷¹ It is not clear which hardware the report refers to, as it seems that finger printer readers were not used.

⁷² Perhaps attributable to the lack of a clear understanding of the issues involved. There is an extended discussion on the subject in Annex 3.

concerning the effective impact of the biometric comparisons in the Afghan situation, which is limited to the eventual detection of double registrants which, in any event, by then have two or more voter cards and can eventually use them for double/multiple voting. (especially in a context where this appears to be facilitated by polling station staff and also as the voter marking ink is known not to be 100% effective). At no point is there information either on the number of duplicates/multiple records actually detected or on actions that might have been taken in relation to detected wrongdoers, which was the only way to make up, however slightly, for an otherwise entirely inadequate option.

The reporting tends to be overoptimistic and gloss over potential problems. It is rare to find a negative statement or a pessimistic view, although they might be occasionally deserved. Again a couple of examples might be used to illustrate the point. After recognizing that the voter registration process would not meet the objectives of Output 4 of the Project Document for a credible voters register by 2009 elections⁷³, the next paragraph states:

*The successes of the national voter registration programme however stand out as an important milestone, and will help Government of Afghanistan to meet one of the pillars of The Afghanistan Compact, namely Governance, Rule of Law and Human Rights. The milestone also sets the Government on the right paths to achieving overarching Afghanistan Millennium Development Goals, as well as the Afghanistan National Development Strategy benchmarks. IEC's success will significantly enhance Government's credibility at the national and international scene; and consequently public confidence in its ability to manage democratic processes.*⁷⁴

Another excellent example of the inherent optimism of the reporting is the comment made concerning the fact that in some extremely traditional areas of the country, the registration of women was significantly higher than that of men. The interpretation of the situation is the following: "There is a need to carry out in-depth studies to understand the underlying reasons for higher women participation in Badghis (51%); Paktia (61%), Ghazni (53%), and Logar (65%) with a view **"to identifying success factors and how these can be replicated in other provinces."** (emphasis added) It might be better if the reasons for that higher women participation in those provinces are not replicated elsewhere – at least, if we are to believe in alternative explanations of that phenomenon.

Another issue that was pointed out during our interviews was the scarce receptivity at some of the ELECT top management levels to technical advice provided by individuals with extensive electoral experience. In most cases the advice – even if rather easy to implement and corresponding to standard practice - was not considered necessary. Some of the advice was reasonably sound and could have complicated the life of those involved in fraud. For example, ELECT and IEC were recommended the use

⁷³ It is, however, clearly stated that this is not the responsibility of the project: "it is critical to note that due to a number of factors beyond the responsibility of the project, namely late decision making on processes by the government and the IEC" (please see earlier references on the team's assessment of this statement).

⁷⁴ On a different subject matter, also related to reporting, it is noted that the 2008 Annual Report assesses the President's support for the electoral process through the limited prism of logistical facilitation: '*The President's office demonstrated its support for the electoral process by issuing a decree directing that customs processing of voter registration materials should be given priority.*'

of a column in the results form where the number of voters received by each candidate would have included in written form, but this advice was reputed unnecessary. This procedure would have helped to reduce fraud, particularly in the provincial council elections.⁷⁵ Similarly, it was suggested that the count make use of tally sheets to simplify the process, but this advice was not used and not responded to. The OSCE/EST team, with a clear mandate to support the electoral process and whose reinforced presence was formally requested by the SRSB, wrote several letters with recommendations to ELECT and the IEC. While it is not entirely clear which of them were employed and which not, for it was not considered necessary to provide answers, many of the recommendations made are observed not to have been implemented.

6.1 Recommendations on Information Handling and Receptivity to External Advice

1. Information and reporting should – within reason – be customized to fit the needs of those entitled to receive information and should include both periodic written reports and meetings.
2. Advice has been accepted in many cases, but there have been enough references to limited receptivity to consider it a potential issue – at least in some cases. The team believes that a simple change of attitude might be sufficient. Advice is sometimes useful, no matter how much experience the ELECT staff has.

7. Relationship with Donors

The first substantive revision of the ProDoc sets forth that “The management of ELECT will receive substantial political and input from project donors, implementing partners and other stakeholders [through a coordination mechanism which] should make provision for high-level political input from the international community, technical input from expert representatives of donors, implementing partners and the beneficiary [...]” *The ProDoc also acknowledges that “Recognizing the high public profile of the project [...], UNDP will welcome a high degree of substantive input and advisory oversight into the management of the project.”* This is consistent with the 2006 evaluation team’s recommendation (Cook and Finn) that donors should participate in a decision-making or review forum, such as a steering committee. However, the structures established through the ProDoc do not foresee donor involvement in the project’s governance (i.e. decision-making) structures. This appears to have strained the relationship between donors and ELECT, strain deepened by ELECT’s refusal to allow donors to form an internal coordination mechanism in which to independently discuss ELECT (UNDP and IEC) performance issues (despite this being formally allowed by the Project Document).

In addition to this weakness, as was already mentioned, coordination with donors has seen again (as was reportedly the case in 2005) an emphasis on reporting and information sharing rather than analysis being provided, genuine consultations held and meaningful results reports, inclusive of introspective lessons learned. The recommendations made by the Cook and Finn Election Evaluation Report, ,

⁷⁵ See Annex 5 for a detailed discussion of fraud mitigation and procedural and operational issues.

therefore, do not seem to have been assumed by ELECT in 2008. Perhaps the best advice on reporting that can be given in this regard comes from Cook and Finn's evaluation of the previous electoral cycle:

*... in 2005, while reporting to donors had a much higher priority, the weekly Election Management Meetings, regular feedback and other coordination meetings acted **primarily as means of reporting** rather than a decision-making or policy support forum, which may have provided a greater sense of ownership and collective responsibility on the part of donors (emphasis added).*

This advice would also be useful in the present circumstances, since a primary complaint of donors is precisely that meetings are used almost exclusively for reporting information rather than as avenue for participation, critical analysis and the joint exploration of ways to meet challenges, etc.

The relations between ELECT and donors were no doubt strained by the workload requirements imposed by the combination of responsibilities in a single position for the CEA, who was formally solely responsible for donor communication. This situation was not helped by the absence of a donor relations position within ELECT⁷⁶ in addition to the absence of a Deputy CEA.

Despite requests for enhanced donor participation and more analytical information requested from ELECT and an expectation that these would materialise as a results of the second substantive revision, this does not appear to be the case through either project design or in practice. In fact, the negotiations of the project's scope in the fall of 2008 placed further strains on the relationship between ELECT and donors. While many donors were reticent to provide support under the same governance structures to organisations which could be in conflict of interest with each other – at least in terms of perception – ELECT remained adamant that this was the only option forward and pursued it under some claims for insulating such conflicts in the Project Document. These claims were that:

While funding will be through a mechanism established by ELECT, it is noted that the governance structure must be quarantined from the IEC and Steering Committee general processes to preclude against perceptions of a conflict of interest with the IEC. A sub-management body to govern the ECC will be established which will report on activities and expenditure to the Donor Group and to the Steering Committee but IEC will play no part in decision making on this activity. Within the PMU dedicated officers will manage the ECC component [...].

According to donors, the governance and coordination structures, despite their number, are not sufficiently used to enable a genuine dialogue and a platform for the provision of analysis and identification of challenges and opportunities for mitigation with ELECT. Requests for more meaningful discussions on identifying risks and putting in place mitigation measures were reportedly not duly taken into consideration by ELECT, under the claim that such discussions are better left for 'professionals' to engage in. As these elections were deemed beforehand to be highly prone to fraud, requests for comprehensive risk analysis to be undertaken and implemented in order to mitigate against fraud were justified. Moreover, since – as ELECT staff put it – the technical is political and the political is technical, a

⁷⁶ The External Relations Adviser position was mainly meant to provide specialised advice on communication with stakeholders to IEC.

substantively thorough risk analysis and mitigation strategy would have required measures to be identified and put in place against multiple voting, interference by IEC field staff during the polls, the count and transfer of materials, the potential for ghost stations, the potential for sensitive material to disappear from its storage location in the field, the potential for women's turnout to be low in reality and reported high in some areas. While the risk analysis and mitigation framework does identify many risks, it does not include the risks mentioned above or, when these are partially included, the mitigation factors are not sufficiently mitigating or the mitigating actors do not always include ELECT (see Section 4 for details on the implementation of the risk mitigation strategy). Moreover, identifying risks and mitigation measures but failing to adequately report on how the latter were implemented or not was also deemed problematic. Not being always responsive to engage donors in the identification of risks and mitigation measures also appears to contradict the Project Document's claim that the Steering Committee could be used for this purpose and the continued claim that:

The management of the ELECT project receives substantial political and input from project donors, implementing partners and other stakeholders. This coordination structure makes provision for high level political input from the international community, technical-level input from expert representatives of donors, implementing partners and the beneficiary, and information sharing with stakeholders, broadly defined.

The disconnect, thus deepened between ELECT and donors, appears to have peaked in May 2009 when a few versions of the minutes drafted by ELECT of a Project Board meeting held that month were not able to be approved by donors as they were not deemed to be sufficiently reflective of the meeting. At the time of writing this report, the said minutes had not yet been approved. Additional perceptions of lack of transparency were triggered by other problems in communication: capturing of lessons learned minutes from 16 September 2009 (as mentioned in Section 5); the absence of final report on the voter card top-up exercise etc.⁷⁷

While the comments in the previous paragraphs are somewhat critical of ELECT, there were also some failures on the donors' side, according to some sources. ELECT and donors had agreed that each area of electoral assistance would be covered by a lead-nation that would be tasked with reporting on progress on a regular basis to the whole group. This system was established later in the process as a way to allow for more rational coordination among the parties and involve donors in decision making. It appears that donors, while supportive of the principle, were not always forthcoming in volunteering. . This potentially useful process never fully functioned and represented a failed opportunity for donors to influence the process.

⁷⁷ The perceived lack of transparency in ELECT's relations with stakeholders has been felt by the evaluation team, as well, as access to verbal or written information was not always easily facilitated by ELECT. Materials were provided when identified by the team and requested, but no real attempt to facilitate the identification of key documents unknown to the team was made. For instance, the background documentation that was provided to the team on arrival was a copy of the folder distributed by Democracy International to their observers – a basic compilation of laws and regulations. Likewise, observer groups and even ISAF mentioned numerous difficulties in obtaining useful and usable information from ELECT.

One coordination mechanism that was much discussed was the mapping of bilateral support to civic education. This is a good example of ELECT acting as a coordinator of aid to the broader process as opposed to the implementing agency or technical adviser. The civic education program was late in beginning due to a number of factors (see discussion in section 4.6), and due to its importance for several donors, bi-lateral initiatives increased in this area throughout the spring of 2009. ELECT established a mapping tool accessible through its website for donors to block off areas of the country in which they had civic education initiatives with a view to avoiding duplications while ensuring that all necessary support was provided. The map was well put together and specific to the district level. ELECT staff involved in maintaining the map expressed frustration that donors had pushed for coordination mechanisms but made insufficient use of the tools at their disposal: that donors did not enter their activities into the map. Donors expressed enthusiasm for the tool and reported that they did feel it was sufficiently utilized. This tool if properly used would have been particularly useful at the planning stage and could have helped dispel misunderstandings.

Another point in case might have been the risk assessment and mitigation document, drafted by an advisor who left ELECT at more or less the time when the last version of the document was circulated - in May 2009. Many of the issues raised could not be solved through technical mitigation measures and it would have been necessary a strong political input from the donors (and UNAMA) that was missing. The lead country on this issue may have needed a greater level of involvement. A historical factor also influenced the relationship with donors. In 2005, counting for the parliamentary elections took much longer than expected, raising operational costs to a point where there was simply no money left. Faced with the risk of having to halt operations, UNAMA, in consultation with the donor community, asked the UN agencies implementing electoral assistance, UNDP/UNOPS, to advance the funds to keep operations running with an understanding, at least from the UNDP/UNOPS side that the money advanced would be reimbursed by the donor community. Effectively the money was never reimbursed and UNDP/UNOPS were faced with having to accommodate this loss. In the absence of a formal resolution to this process, these same agencies were understandably wary of getting further involved in electoral assistance.⁷⁸

While the scrutiny of donors is largely positive; it might occasionally place a constraint on ELECT operations. There is an almost inherent contradiction in the standard insistence both on rapid delivery, taking short-cuts where necessary, and at the same time demanding a rigorous auditing trail. "Good planning" cannot cover all contingencies and frequently this contradiction will surface through specific issues. It is important that donors recognize this complication and try to ensure within their own bureaucracies some understanding for UN flexibility as concerns elections.

One area of concern was a potential disconnect between lower level political officers and officers with bi-lateral aid agencies and the ambassadorial level processes. The SRSG met with ambassadors on a

⁷⁸ It goes generally unreported that UNDP had the duty to track expenditures for the 2005 elections and that the finance department embedded with the UNOPS operation never had an accurate track of spending, which contributed to overspending at the end of the process. The count was also extended due to the processing of fraud by the secretariat and the exclusion of results by the election commission. However, there was malfeasance and financial mismanagement during the last elections. The fact is that an investigation and audit were conducted with clear findings implicating UNOPS's management. Given the serious findings, it is not surprising that donors are wary of working with UNOPS on the next election.

weekly basis and the CEA was often present at these meetings to discuss electoral issues in her role as the adviser in the UNAMA reporting chain. It appears that at this high political level, there was great satisfaction in this access to the CEA.⁷⁹ However, donors repeatedly brought up the issue that communication from ELECT was technical and operational and not put into the kind of larger political context (or larger electoral framework) that would allow for proper understanding. The team feels that there is either a disconnect within embassies (in which case it is pathological as this seems to be across the board) or between the perceptions of these higher level interactions by donor countries and by the United Nations stakeholders. Regardless, it is recommended that UNAMA increase the depth of its reach in electoral/political advising in order to address the problem no matter where the truth lies. (See discussion on the role of UNAMA in section 3.4 and 4.4.)

7.1 Recommendations on Relationship with donors

1. Since donors have been the most vocal claimants for improved flows, they should be asked for the content, formats and periodicity of their information needs, and ELECT should do as much as possible to accommodate their needs.
2. The practice of tasking donors with specific areas should be recovered and effectively implemented, with the collaboration of all those involved. Similarly, the information on bilateral activities should be adequately provided and incorporated into the activities' map.
3. Donors should participate in the discussions concerning the modification of the governance structure suggested in Section 3, and suggest their preferred participation in such structures, which should probably simplify their participation through designated representatives in the more frequently held operational meetings. Meetings with the full participation of the donor community should be limited in number, and at higher levels.
4. The regular feedback and other coordination meetings should not act primarily as means of reporting but rather than as avenue for participation, critical analysis and the joint exploration of ways to meet challenges, which should provide a greater sense of ownership and collective responsibility on the part of donors.
5. Relations with donors fell excessively on the shoulders of the Chief Electoral Adviser. In the future arrangements, it would be useful to have a dedicated donor relations staff member.
6. The unfortunate 2005 episode should be finally solved and clarified to the satisfaction of all concerned. This might be a difficult, but not an impossible task, and would open the way for the involvement of UNOPS, which arguably has the most flexible hiring and procurement processes.

⁷⁹ It is important to note that while the team met with Ambassador Tim Carney at the United States Embassy, who leads an election specific team, there were no other meetings at the ambassadorial level. Therefore, information on these interactions comes second hand through a variety of interlocutors. The team has done its best to triangulate on the issue.

8. UNDP Regulations and their Adaptation to Time-bound Processes

Given the organisational history in Afghanistan of United Nations involvement with elections, it seems clear that there are limited options for appropriate organisations that might take responsibility for the electoral assistance mandate. In addition to these historical constraints, however, UNDP has a true competitive advantage in providing a home for ELECT by its global experience with transitional and post conflict elections technical advice. Unfortunately, the advisory nature of ELECT's mission often bleeds into operational imperatives, and UNDP's structures are sometimes seen as inflexible and obstructive. In a number of areas essential for electoral assistance, UNDP regulations do not reflect the 'emergency' nature of electoral processes. Interlocutors have pointed to lengthy procedures adversely impacting implementation schedules and achievable results.

A review of how the UN/UNDP systems and regulations – while not possible before the forthcoming substantive revision of the ProDoc – will be needed to address issues of flexibility and responsiveness intrinsically necessary for support to electoral processes. In the meantime, of key importance are: a) predictive planning to enable rapid deployment and application of resources, in the shortest possible time, according to recognised and acceptable practices; and b) organisational changes in the ELECT support structures. Both adequate advance planning and support structures should be able to adapt to time-bound processes. This adaptation should entail prescribing necessary synergies between management, strategy formulation, planning, coordination and implementation functions and imperative UNDP internal procedural alignment with project timelines and not vice versa.

8.1 Impact on Project Efficiency and Effectiveness

Recruitment. This was seen as being very problematic given the limited time frame within which to engage with the IEC, scale up other ELECT activities, coordinate with the Country Office and report on all the above.

The project started off with a flexible and time-adapted use of the EAD roster⁸⁰ for short-listing pre-qualified candidates. However, due to changes in the UNDP contracting procedures, the recruitment process timeframe became much longer, in part due to no longer being able to use the EAD roster to jump-start recruitment. Positions now had to be advertised and the short listing was done by the ELECT PMU (with one international human resources officer), which added weeks to the hiring process.⁸¹ This was compounded by the suspension of the Agreement of Limited Duration (ALD) contract type under which a number of ELECT staff was recruited. Needless to say, in the midst of already time-constrained project implementation efforts, this led to tensions between ELECT and the Country Office.⁸² The

⁸⁰ The Electoral Affairs Division (EAD) under DPA/UN Secretariat in NY maintains a roster of electoral experts. The use of this roster (a number of candidates of the required expertise and experience are put forward from the roster) replaces the vacancy announcement procedure and thus expedites the recruitment process.

⁸¹ However, the team was informed just prior to completing field work that permission to use the EAD roster has been reinstated. Further delays have been caused by the significant slowing of visa approvals by the Ministry of Foreign Affairs.

⁸² In either case (recruitment or procurement), ELECT points out that despite on occasion giving early warning as to their needs, the Country Office was unable to deliver in time or found itself requiring approvals having been caught

Country Office Human Resources team confirmed the discontinuance of the EAD roster and acknowledged the negative implications for ELECT's operations. Concerns were expressed at the number of waivers obtained on behalf of the Project – despite an understanding of time and contextual project operations constraints. It was emphasised that, owing to the centralised nature of UNDP, not much else could have been done without headquarters authorisation.

An excellent vignette illustrating the frustrations ELECT had with UNDP hiring regulations is the hiring of drivers for ELECT's dispatch. ELECT somewhat recently established its own separate compound complete with dispatch and a fairly generous number of armoured cars dedicated to the project. The cars were in place for some time before an adequate number of stable drivers could be hired. The ELECT HR officer related that when hiring the drivers she had to find people with high levels of education and English ability in order to meet UNDP contracting requirements – requirements which in this case were patently ridiculous and clearly obstructive to hiring. On the other hand, members of the ELECT logistics team related that the proper waivers had not been sought in advance of the hiring process. Whatever is the root of the problem, the solution was a temporary fix: taking on wholesale the drivers from another project within UNDP that was closing down. The issue may still be a problem when the current dispatch will need contract extensions.

Procurement. UNDP guidelines on procurement followed a similar pattern. Depending on the value of the procurement, approvals needed to be requested from the Country Office, Regional Office and/or UNDP in New York. The separate step of securing Country Office approval was required due to ELECT's autonomous administration, finance and procurement processes. The creation of additional or separate steps in the procurement approval process, as was the case with the recruitment process, triggered additional delays in the project's ability to deliver. The same applies to requests for waivers (which can be obtained to procure items without committee approval, thus reducing the time for procurement). Due to the emergency nature of elections procurement, it is not surprising that many such waivers were requested.

In any case, whether for processing large expenditures or for granting waivers, the disconnect between those responsible for the substantive decision making on elections purchases (ELECT) and those asked to sign off on that spending (Country Office) could be expected to cause delay or friction. A closer relationship with the country office – as is proposed in this evaluation – may alleviate some of these problems.

8.2 Direct Execution and Institutional Relationships

The Direct Execution Modality (DEX) is the preferred UNDP elections project specific procurement mechanism.⁸³ Wherever the project support structure is located (i.e. within ELECT or outside it within

out by mandatory ceilings on expenses. This is worrying, especially if last minute but nevertheless important changes to implementation needs cannot be accommodated and may end up jeopardising planned outcomes. Having said that, it is clear that interlocutors at the Country Office level felt wrongly accused by ELECT of unnecessary delays, whereas in their view everything possible within the boundaries of the system had been done at their respective levels.

⁸³ UNDP Electoral Assistance Implementation Guide

the Country Office), procurement procedures are the purview of UNDP operations/DEX Unit/Service Centre. This appears to be at variance with the concept of an Afghan-led electoral implementation initiative.

Meanwhile, interlocutors at the IEC point to their initial involvement in tenders and procurement discussions, a practice, subsequently discontinued by ELECT. The latter is quick to indicate the pre-eminence of UNDP procedures as being outside its influence. However, in the spirit of “strategic leniency” it would not have been out of place to introduce conciliatory measures, such as allowing IEC observer status in tender review processes as a means of diffusing the situation.

Not allowing the IEC greater access to such discussions is a lost opportunity for capacity building with the IEC and strengthening the IEC’s own internal structures at all various levels for identifying and addressing financial controls and ethics problems. The IEC has repeatedly requested to participate in procurement decisions. It should also be involved in reviewing local contracts and tracking expenditures. It has been suggested that IEC regional officers, hired for the operational period on temporary UNDP contracts, could be of greater use in checking contracts and controlling spending in their respective provinces. Should there be a need for additional checks and balances, it should be assessed how these should be best devised in order to ensure both capacity development and adherence to a system which is not prone to corruption.

Although it has been repeatedly relayed by both ELECT and the Country Office that the greatest amount of flexibility has been granted to the project, if this is only in the form of waivers and higher spending ceilings, this will bump up against the inevitable operational deadlines of an elections project and the fact that even better planning will not foresee all eventualities. In the immediate future it is recommended that UNDP negotiates higher approval ceilings or institutes an effective fast track procedure that enhances and not hinders implementation, without circumventing UNDP regulations. UNDP Country Office Human Resource staff interviewed by the team fully embraced the need for a more holistic management approach to waivers and fast tracking to facilitate procurement and recruitment. While requests were submitted on a case-by-case basis, they were also treated on a case-by-case basis. A concerted and coordinated effort involving communication and representation at the project, Country Office, Regional and headquarters levels could resolve matters in the short-term. What is required in the long term however is the recognition of the need for an alternative procedure – similar in application to emergency relief – with necessary checks and balances and system control. All of these recommendations depend on the understanding, by all structures above ELECT, of the emergency nature of electoral support.

8.3 Recommendations on UNDP Regulations:

1. Emphasis should be placed on planning and accurate budgeting so that large expenditures and waivers are generally expected.
2. Relations with the CO should be much closer in order to smooth exchanges on financial and narrative reporting and to facilitate procurement and hiring sign off. Consideration should be given to several methods for doing this, although the team recommends simply housing program support within the CO. See Section 3, recommendation 5 for discussion.

3. Hiring, including for the PMU, should be done with reference to the EAD roster.
4. Recipient organisations should play a role in both hiring their own advisers and procurement.
5. Systemic flexibility should be negotiated in advance of the next operational period for spending and hiring.
6. In terms of UNDP procurement and project management issues, it would be both useful and necessary for special procurement and recruitment measures to be put in place for electoral projects not only in Afghanistan, but elsewhere. In fact a number of initiatives are being taken in New York by DPA/EAD, DPKO and UNDP and with the direct involvement of the Secretary-General to highlight this need for greater flexibility. This issue can however only be resolved through a larger discussion going beyond the Afghan elections and is unlikely to be finalized in time for 2010.

9. Comments on the 2010 Parliamentary and District Elections

As discussed in Section 5, the “relentless pressures and almost impossible deadlines” that characterized the provision of advice to the Presidential elections will hopefully not be present to the same degree in the case of the Parliamentary and District elections. The IEC implementing and ELECT advisory teams have had the experience of the 2008/9 update of the Register of Voters⁸⁴ and of the August 20 elections. Many of the requirements – identification of polling stations, hiring of personnel, procurement of non consumables, etc. – are now partially fulfilled, and only adjustments (although in some cases major) will be required. For the Presidential elections it was necessary to develop an operational plan from scratch while for the next round of elections it will be only necessary an adaptation. The threats to security and the identification of areas where polling centres cannot be opened are better understood after the August experience. In that sense, the issues related to operations planning and logistics will be substantially simplified, although the continuous worsening of the security situation more than compensates for the above mentioned factors. Following the tragic attack against the United Nations, we understand there will be a need to re-evaluate the security environment the UN operates in with a view to limit exposure and possibly re-examine the criticality of tasks versus impact. Furthermore, there are some new and different issues that will probably characterize the forthcoming elections and make the challenge for 2010 as difficult as it was for 2009.

There were electoral reform projects being considered by the Wolesi Jirga at the time that this report was being written, and hopefully they may result in important modifications, among others, to the electoral system as well as to the process for the nomination and appointment of electoral authorities. However, as they cannot be anticipated by the team, the following comments are based on the present legal framework, however inadequate it might be.

A first issue, which has been extensively discussed in Annex 3 relates to the approach to be used for registering those who will have the right to vote for the Parliamentary and District elections and had not

⁸⁴ Even if the exercise was formally an update, the planning, logistics and implementation is not too different from that a full fledged registration exercise.

been given the opportunity to register or to report changes of address since the original registration.⁸⁵ Since the 2008/9 exercise included all those who have reached 18 years of age by September 2009, this group includes those who have reached voting age between that date and the date of the Parliamentary elections (to be determined). There are three possible approaches, and a decision needs to be made:

- One possibility would be to undertake a top-up exercise similar to the one undertaken in 2008/9, involving the opening up of registration centres. Given the probably smaller size of the group, the length of the period during which the centres should be open could be shortened, but the savings would be minimal. The cost of the 2008/9 registration was high and the amount that should be budgeted for the new exercise should be similarly high.

However, the smaller number of potential registrants opens up alternative possibilities, in particular:

- To open a reduced number of centres (perhaps one per district), which would result in substantial savings. The number of registrants would also diminish, given the additional difficulties that registration would involve. A more drastic initiative would be to limit the registration to the provincial offices of the IEC⁸⁶, which would result in very limited additional expenditures.
- To conduct Election Day registration, opening one special desk in each polling centre⁸⁷ where only those who have reached voting age would register and receive a voting card. The purpose of limiting Election Day registration to this specific group is to limit the number of potential registrants. The other three categories might be required to register, request a duplicate card or change address in the Provincial offices of IEC. This alternative is made possible precisely by the limitations of the registration system discussed above: its incapacity to impede double registrations and the almost inexistent verification of the entitlement. There is no difference in the quality of the registration whether conducted leisurely in 2000 registration centres or on polling day. Key to this alternative is the ability to react quickly and efficiently to surges in the numbers of registrants in certain polling cum registration centres. If queues at the registration tables become too long, the IEC should be able to open an additional registration table or increase the personnel working at the existing tables. Fortunately, surges are more likely to occur in urban rather than in rural areas, which facilitate the responses.

Although recognizing that the issue should be fully discussed, the evaluation team tends to favor this last alternative and recommend strongly against the adoption of a full-fledged registration exercise.

⁸⁵ As usual, those which, in spite of having the opportunity to register in 2008/9 did not register and would like to do it now; and those already registered that have lost their cards will also be given a opportunity in case of a new top-up exercise. However, their claim to special consideration is less strong than that of those who were not given the opportunity.

⁸⁶ As done in the two months following the end of the registration exercise of 2008/9.

⁸⁷ Or two, if the number of polling stations in the centre is large.

The choice between alternatives should not have a significant impact in the long-run, since the present Register of Voters probably cannot be used as a building base for the future. In all likelihood, it will be necessary to scrap the two existing databases and the cards associated with them after the 2010 elections, and build up an adequate civil/voter register cum ID card from scratch. It should be noted that, given the complexity of the exercise, and the unavoidable need to find a solution satisfactory to both the MoI and the IEC,⁸⁸ it is necessary to start planning. The persons involved in anticipating needs and requirements and eventually formulating a project to support the registration effort should not be too involved with the exercise of providing support to the parliamentary elections and it will be recommended below that this activity should be allocated to the capacity-building team.

The other important challenge to be overcome relates to the conduct of the District elections – particularly important since one third of the seats in the Meshrano Jirga are selected by the district councilors.

Once again, the absence of address and the consequent inability to produce voter lists at each polling station will require allowing voters to cast their vote in the polling station of their choice. This was the same problem faced in the 2009 election, but at least then the smaller constituency was the province, and the necessary information was included on all Voters Cards. Therefore the verification of entitlement for the Provincial Council elections posed no particular problems.

This will not be the case for the District elections. Even if there is a quick solution for the difficult problem of defining the number and boundaries of the districts – no small feat – there would still be the problem of relating voters to districts. If this problem is not solved, then in practice any voter is 'entitled' to vote in any district of his/her province and the transfer of voters from one district to the other could not be even identified.

And the problem cannot be solved, unless the "mining" of information suggested by Cook and Finn is demonstrated to be a viable alternative or a full-fledged new registration is conducted, which is probably not possible.⁸⁹ One possible solution would be simply allocating the votes cast in a given polling station to the election for the district where the polling station is located. This alternative is easy to implement although it simply validates the diffuse concept of entitlement for district elections – voters are formally and practically entitled to choose the district where they want to vote within the limits of their province. It should be born in mind, though, that this is not too different from the present situation. Since the voter is not required to present a proof of residence, he or she is able to select, when registering, not only the district, but also the province in which he or she would vote. The ELECT

⁸⁸ Unless the Government of Afghanistan and/or the donor community is willing to undertake the duplicate expense of two almost identical registration drives, one for the Civil Register and the MoI document and the other for the Register of Voters and the issuance of a Voter card. Whatever the information collected in those exercises, the logistic effort and the cost would be similar for both exercises.

⁸⁹ The fastest example known to the evaluation team is the recent experience of Bolivia, where a full-fledged registration exercise involving biometrics and the production of voters' lists at the polling station was conducted in approximately five months, against all expectations. The decision to undertake the exercise was taken by mid-May, and by mid-October approximately 5,100,000 voters (including 200,000 out of the country) had been registered, provided with a voter ID card and included in voter's lists at polling stations. The process was sub-contracted to a private enterprise.

team might develop other suggestions or demonstrate the viability of the approach suggested by Cook and Finn.

Since the problem of linking voters to villages and/or districts in the present situation of the registers of voters is probably insoluble, the ELECT team and UNAMA should concentrate in other prerequisites for the district elections which, unless taken adequate care of, will compound the difficulties. It is essential to have an agreed upon and well-defined list of districts with at least their approximate boundaries, without which it will be impossible to conduct the registration of candidates for district councils. The identification and listing of villages within each district will be essential for a new full-fledged registration effort after 2010. But given the complexity of the task, it is important to begin with it as soon as possible.

Risk management and fraud avoidance measures will require a fresh look, given the different characteristic of the elections. The fraud detection effectively used by the IEC for the August 2009 elections related predominantly to those instance which involved entirely stuffing a ballot box for a single candidate (relevant mostly for the Presidential election). Fraud that may affect the outcome of the 2010 elections can be less wholesale and therefore more difficult to detect. Furthermore, it is critical to have new and well publicized methods to *prevent*, and not only detect, fraud. The situation will be similar to that of the 2009 Provincial Council elections, based on the SNTV system, with a large number of candidates and the possibility of being elected with a relatively small number of votes – at least in large constituencies. In her articles “What the preliminary results tell us” Martine van Bijlert provides a rather interesting example taken from the published results for the Provincial Council elections. It is worth an extended quotation:

In polling centre 101062 (Suraya Girl’s School in Taimani) candidates numbers 373 and 447 received the following number of votes in the centre’s twelve polling stations:

Candidate nr 373: 185 / 205 / 205 / 0 / 0 / 1 / 0 / 1 / 0 / 0 / 0 / 1

Candidate nr 447: 115 / 95 / 95 / 0 / 0 / 0 / 0 / 0 / 0 / 0 / 0 / 0

Note how the votes of the two candidates add up to round numbers (300 / 200 / 200) and how they have virtually no votes in the other stations. Their shared total make up more than half of the total votes in those three stations (respectively 509, 464 and 419 votes), with the rest of the votes spread in low numbers over the other candidates. The vote pattern indicates that a real vote took place in this polling centre, but that the polling staff at three stations was recruited to cast extra votes for the two candidates and that they have done so by dividing two or three books of 100 ballots between the two candidates per station.⁹⁰

Since in some constituencies there will be hundreds of candidates, and the lack of voters lists will again make it necessary to print an exceedingly large number of ballots, this pattern might be repeated in different polling stations, in favor of different candidates. To discourage this type of maneuvers, it

⁹⁰ Martine van Bijlert, comment on “[What the preliminary results tell us \(1\): Kabul provincial council](http://aan-afghanistan.com/index.asp?id=370)” Afghan Analysts Network blog, comment posted on 9 October, 2009, <http://aan-afghanistan.com/index.asp?id=370> .

might be necessary to give special emphasis to the completion of the voter list with the serial number of voters, and to consider taking some measures with polling staff if forms are not completed, such as withholding or reducing payment. The use of the numbers of voters in that list as a further mechanism for reconciliation should also be considered, as well as the introduction of a tally sheet, which makes it necessary to counterfeit an additional document, in case of fraud. The use of statistical analysis to detect unusual patterns of vote should also be incorporated in the fraud prevention and detection measures. Similarly, the communications protocols should include information on voter turnout at noon, and random spot comparisons between the turnout reported and the number of voters in the voter list with serial numbers should be conducted. These checks should be publicized to polling staff. Similarly, a well publicized provincial level ballot reconciliation should take place following polling and counting. Count operations at a provincial or otherwise centralized location, should be reconsidered for the 2010 elections (see Annex 5). Emphasis should be placed on adherence to the intake of polling materials following the election regardless of the location of the count. The use of voter marking ink should be de-emphasized as a security measure to the public. While, given the lack of voter lists, it is quite difficult to introduce effective anti-fraud measures, all possible efforts should be made in this occasion. In the long run, only increasingly effective fraud prevention and taking action in response to fraud detected will build the credibility of the Afghan election administration.

9.1 Recommendations on Planning for the 2010 Elections:

1. Fraud prevention and detection, results certification, and security should be the top priorities for planning for the 2010 elections.
2. Fraud detection will be much more difficult due to an increase in “retail” fraud. Small scale fraud, though, will have an impact on election results. Focus, therefore, should be on prevention.
3. Fraud prevention measures should be well publicized in order to serve as a deterrent.
4. Keep the voter registration top up exercise as limited as possible. Consider election day registration or limiting registration centres to district (or even provincial) capitals.
5. It is recommended that UNAMA’s involvement in the electoral process and the role of the Electoral Support Unit be fully integrated into the discussions on the reorganization of UNDP and ELECT management. We believe it is important that the UNAMA electoral unit be staffed as soon as possible with electoral experts selected through the EAD roster.

10. Some Considerations Related to Post-2010 Activities

The long-term goal of the international community in its support to the IEC and the electoral process is to achieve an electoral system and electoral organisations which are sustainable and affordable. While this overriding goal might have been overshadowed by the pressures of providing advice and support to the Presidential and /Provincial Council elections in 2009 and the Parliamentary and District Council

elections in 2010, it will become the central objective after the electoral cycle is completed. It is expected that:

- There will be a need to reform the electoral system. This would involve the analysis of potential alternative systems, given the cost of SNTV and its deleterious impact on political parties. It would also require an in-depth evaluation of the electoral organisation, including the composition of the electoral commission, the nomination and appointment of commissioners, the role of other institutions like the ECC and the MC, etc. Careful consideration should be given to the sequencing of elections, which now involve that in the years between 2009 and 2025, elections will take place in 13 out of 17 years.
- Another important issue will be the relationship between the population databases that different organisations maintain, and the documents provided to citizens for different purposes. Although the main issues seem to exist between the MoI and the IEC, there are other population databases that should be interrelated in such a way as to minimize efforts and expenditures.
- There will be a continuous need to develop the organisational capacity of the IEC, not limited to the transfer of knowledge and personal development of its staff, but also an institutional analysis which should consider potential roles or functions that might be assigned to the IEC in non-electoral years. Based on structural decisions, infrastructural development (for instance secure warehouses at appropriate levels) will be required.
- Similarly, there will be a continuous need to further develop civil society and observer organisations so that they can contribute further in future electoral processes, through improved relations with the IEC as well as through other organisational development activities.
- After the 2009/10 electoral cycle, only the local (village) elections will remain. Advice should be provided on the way in which they can be conducted without (or with minimal) involvement of external advisers. It would not make excessive sense to maintain an advisory structure like ELECT for elections which, in most other countries, are not even managed by the central electoral authority.

The team does not believe that a structure like that of ELECT is the most appropriate for providing support to this kind of queries. Therefore, it is suggested that ELECT, as it is now, should conclude its activities as soon as possible after the 2010 Parliamentary and District Council elections, rather than by December 2010. Efforts after those elections should concentrate in all activities necessary to ensure a proper closure of the project, including the recovery and allocation of the assets of the project.⁹¹

⁹¹ Currently, there are IEC, ELECT, and IFES generated assets in the field and at the IEC HQ. There is no inventory of assets that accounts for all assets used by the IEC or even by ELECT's a project. This inventory should take place now, in the interim between elections, and in such a way that the system can be used and maintained by the IEC independently. This includes testing of equipment housed in all warehouses. The situation following 2005 should be avoided in which ballot boxes sat just outside of the warehouse for four years and voter registration documentation was lost.

At the same time, a new project, with a different approach and philosophy, should start immediately after the elections, using as much of the personnel and assets of the old ELECT as deemed necessary. Obviously, even if the change is radical, it can be conducted under the umbrella of the same project, as it was done in July and December 2008 with the previous ELECT incarnation. The team, though, has a preference for a different project, particularly in view of the suggestions on the governance structure of ELECT in the next section.

The activities related to the development of a new project should run parallel to the provision of advice to the Wolesi Jirga and district council elections and the personnel involved in it should have no direct responsibility in the provision of advice related to the electoral process. We suggest that the activity be allocated to the Capacity-Building Adviser which the team considers as an important element, requiring an upgrade in the qualification of the post and the support of one or two additional advisers. Part of the work of the team will be to systematize the lessons learned in the 2009 elections and those that will be learned in 2010, so that advice concerning reforms developing advice for the forthcoming Wolesi Jirga can be prepared, including, but not limited to, the electoral system.

10.1 Recommendations Related to Post-2010 Activities

1. There should be a planned termination of ELECT after the 2010 election and a transition towards a new project, based on a complete re-evaluation of electoral needs in Afghanistan. The needs assessment should be conducted with a view to recalibrating assistance towards sustainability and long-term improvement through structural and in-depth reform. This re-evaluation will need to look at broader issues, including but not limited to the feasibility of and donors' interest in supporting a census, the need for boundary delimitation, the need to assess the sustainability of the various voter registration initiatives undertaken, and the possibility and the Government's interest in supporting a civil-voter registry, the need for legal reform, the possibility of modifying the voting system, the mandates of the local electoral authorities, and the electoral calendar.
2. There is a need to begin working on the analysis of the situation and the development of alternatives and proposals as soon as possible. It is suggested that the capacity-building team mentioned in previous sections should have this responsibility, with as much support from other staff as necessary. This team *will not* be involved in the implementation (or the provision of advice towards the implementation) although it will build on the experience of the rest of the members of ELECT. As it is usual with needs-assessments of this nature, they should be led by EAD; in this case in close cooperation with DPKO, UNAMA and UNDP.
3. One of the subjects that should be tackled by the team will be the adaptation of the IEC structure during non-electoral periods which will necessarily involve a discussion of "affordability". Such discussion should involve the possibility of allocating additional tasks to the electoral organization, following models such as those of Costa Rica or Colombia, which would result in a more stable workload.
4. The new project should pay special attention to the long-term development of both the organizational capacity and the infrastructure of the IEC.

5. Although there is a need for long-term development of civil society organizations, and they should receive support, we believe that this should be dealt under a separate, non-electoral project.

MID-TERM EVALUATION OF THE PROJECT

ENHANCING LEGAL AND ELECTORAL CAPACITY FOR TOMORROW (ELECT)

ANNEXES

ANNEX 1 – List of Documents used for Reference

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ANNEX 2 – List of Meetings

Ahmadzai, Abdullah, The Asia Foundation Afghanistan

Amiri, Waliullah (Dr.), Regional Coordinator North, Independent Election Commission (IEC)

Avery, David, Head of Mission, Democracy International Election Observation Mission (DI) Afghanistan

Barakzai, Mohammad Mustafa, Commissioner, ECC

Barakzai, Zekria, Deputy Chief Electoral Officer/Legal Affairs, IEC Secretariat

Barranca, Riccardo, Head of the Advisory Team for Public Outreach and External Relations, ELECT

Bashardost, Dr. Ramazan, Presidential Candidate and Member of Parliament

Basnyat, Manoj, Country Director, UNDP Afghanistan

Bernard, Jacques, Senior Advisor US Interagency Election Team

Bijlert, Martine van, Electoral Analyst, Afghanistan Analysts Network

Carnduff, Susan, Country Director, National Democratic Institute (NDI) Afghanistan

Carnie, Tim (Ambassador), Head of the Election Team, Embassy of the USA Kabul

Coman, Stefan, Legal Analyst, NDI Observation Mission Afghanistan

Cook, Margie, Chief Electoral Adviser, UNDP ELECT

Crofts, Tom, Second Secretary (Political), British Embassy Kabul

Dauphinais, Denise, Former Chief Electoral Adviser, ELECT (by phone and mail)

de Ruyt, Isabelle, Electoral/Political Affairs Officer, Electoral Assistance Division, Department of Political Affairs, UN Secretariat

Druet, Dirk, Partnerships and Donor Relations Officer, UNDP Country Office Afghanistan

Edgeworth, Linda, Election Analyst, Organization for Security and Co-operation in Europe Electoral Support Team Afghanistan (OSCE EST)

Eide, Kai, Special Representative of the Secretary-General (SRSG), UNAMA

Espinoza, Maria, Election Analyst, EU Election Observation Mission Afghanistan (EU EOM)

Ezzat, Zubair, Finance Officer, UNDP Afghanistan

Fayaz, Asadullah (Dr.), Regional Director, Afghanistan Center for Training & Development

Ghani, Ashraf, Presidential Candidate

Hageman, Doug, Program Officer, UNDP Afghanistan

Hakim, Fahim, Commissioner, ECC

Halff, Maarten, Commissioner, ECC

Hamdani, Ayscha, Political Adviser to NATO Senior Civilian Representative, Office of the NATO Senior Civilian Representative to Afghanistan

Hans, Roy, First Secretary/Political Affairs, Royal Netherlands Embassy Kabul

Haque, Shahla, Head of Training and Capacity Building, IEC (I believe Katy met with her)

Haring-Smith, Whitney, Long-Term Election Observer, DI

Heiskanen, Janne, Counsellor, Embassy of Finland Kabul

ISAF (the two officers responsible for electoral support)

Jamal, Arsala, Campaign Officer for Presidential Candidate Hamid Karzai

Jetzlsperger, Christian, First Secretary, Embassy of Germany Kabul

Kaplan, Constance, Deputy Chief of Party, IFES Support to the Electoral Process in Afghanistan (STEP)

Karokhail, Shinkai, Member of Parliament

Keary, Barbara, Political Affairs Officer, Embassy of the USA Kabul

Khaksari, Shoaib, Programme Officer, UNDP Afghanistan

Khan, Mohammad, Provincial Election Officer, IEC Balkh

Kino, Brian - ELECT security specialist

Kippen, Grant, Chairman, ECC

Kipshidze, Shalva, Data Center Management Advisor, ELECT

Kiseri, Gezim, External Relations Advisor, ELECT

Knop, Laurie, Long-term Observer, DI Afghanistan

Kofi, Fawzia, Member of Parliament

Landi, Martin, former Field Operations Advisor, ELECT (by telephone)

Larson, David, Civic Education Advisor (Admin/Finance), ELECT

Lasham, Charles, Chief of Party, IFES STEP

Lepsch, Peter, Legal Adviser, ECC

Longo, Victoria, Political Affairs Officer, UNAMA

Lucangeli, Costanza, Field Operations Advisor, ELECT (by e-mail)

Lynch, Tom, Political Affairs Officer, UNAMA

Maass, Citha (Dr.), Electoral Advisor, Office of the EU Special Representative to Afghanistan

Majumdar, Shuvaloy, Resident Country Director, International Republican Institute (IRI) Afghanistan

Mann, Peter, Procurement Advisor, ELECT

Marco, Derrick Cyril, Domestic Observation Advisor, ELECT

Matisonn, John, Media Commission Advisor, ELECT

Meyer-Bisch, Benoît, Human Rights Adviser, Swiss Agency for Development and Cooperation (SDC)

Milovic, Zoran, Deputy Country Representative, The Asia Foundation Afghanistan

Morand de Montberry, Henri-François, Senior Deputy Country Director, UNDP Afghanistan

Murad, Abdul Satar, Campaign Manager for the Presidential Candidate dr. Abdullah Abdullah

Mutabazi, Dennis, Reporting Officer, UNDP ELECT

Nadery, Nader, Chairperson, the Foundation for Free and Fair Elections Afghanistan (FEFA);
Commissioner, Afghanistan Independent Human Rights Commission (AIHRC)

Najafi Daoud (Dr.), Chief Electoral Officer, IEC Secretariat

Nassery, Asma, Political Affairs Officer, UNAMA

Nour, Radwa, Human Rights Officer, UNAMA (Mazar-i-Sharif)

O'Mordha, Eamon, Chief of Operations, ELECT

Olsen, Kasper Thams, First Secretary, Embassy of Denmark Kabul

Ozerov, Yuri, Logistics Advisor, ELECT

Perez, Nemesia, Provincial Electoral Advisor, ELECT (Mazar-i-Sharif)

Perry, James, Third Secretary (Political), British Embassy Kabul

Peszkowski, Robert, Political Affairs Secretary, Embassy of Sweden Kabul

Purova, Florim, Procedures Advisor, ELECT (by e-mail)

Quillinan, Paula, First Secretary/Development, Embassy of Canada Kabul

Rafiee, Aziz, Managing Director, Afghan Civil Society Forum (ACSF)

Raju, Krishnaveny, Program Officer, UNDP Afghanistan

Ribeiro, Antonio Pedro, UNOPS Election project manager

Roberts, Hannah, Deputy Head of Mission, OSCE EST

Robertson, Miles, Deputy Project Manager, ELECT

Rondeaux, Candace, Senior Analyst, International Crisis Group (ICG) Afghanistan

Roydar, Sayed Qutbuddin, Director of Relation and Coordination for Provincial & Local Councils, Independent Directorate of Local Governance (IDLG)

Rudderham, Melissa, Program Officer, ELECT

Sepp, Tanel, Head of Mission, Special Mission of Estonia to Afghanistan

Shiozaki, Akiko, Development Secretary, JICA

Shlyk, Alexander, Election Analyst, OSCE EST

Smith, Barbara, External Relations Advisor, ELECT

Stamper, Susan, Sr. Democracy Advisor/Elections and Political Processes, Office of Democracy and Governance, USAID Afghanistan

Stemberger, Anton, Attaché, Public Administration Reform, Delegation of the European Commission to Afghanistan

Sundström, Kim, First Secretary/Development, Embassy of Sweden to Kabul

Thorud, Harald, Program Analyst, Democratic Governance Unit, UNDP Afghanistan

Tsukada, Kazuo, First Secretary, Embassy of Japan Kabul

Turney-Dann, Clare - ELECT HR specialist

Vandebon, Luc, Head of Political & Economic Affairs, Delegation of the European Commission to Afghanistan

Verbruggen, Veronique, Governance Adviser, DFID Afghanistan

Vigierand, Corinna, Political Affairs Officer, UNAMA (Mazar-i-Sharif)

Wareham Rachel, Gender Advisor to the IEC, ELECT

Washington, Tim, Logistics and Procurement Advisor, IFES STEP

Watkins, Robert, Deputy SRSG/Development, UNAMA

Whaites, Alan, Team Leader and Programme Manager, Support to Sate Building, DFID Afghanistan

White, Rupert, Human Rights Officer, UNAMA (Mazar-i-Sharif)

Williams, Nicholas, Senior Political Adviser/Deputy to NATO Senior Civilian Representative

Worden, Scott, Commissioner, ECC

ANNEX 3 - Additional Notes on Registration

1. Introduction

The purpose of these notes is to discuss the specific reasons for which advance registration of voters is a standard practice as well as the main and secondary purposes served by an adequate registration process. The notes will explore whether any of these purposes have been fulfilled in the case of Afghanistan, given the characteristics of previous registration exercises.

It is hoped that these short notes will help readers to better understand some of the inadequacies of the 2003/5 exercises, and of some wrong judgments made in relation to the 2004/5 registration drive. It is also hoped that they might have some usefulness regarding decisions to be taken in the case of the forthcoming Wolesi Jirga/District elections and, more importantly, contribute towards the decisions that will have to be made, after the 2009/10 electoral cycle, concerning the future of the voter registration and of the national identification system.

2. The purpose of registration

Before a person can vote, it is necessary to perform the following controls:

1. Verification of entitlement: to ensure that the person that appears at the polling station is entitled to vote in the election/s that are being held there;
2. Verification of identity: to ensure that the person that appears at the polling station is the person who s/he purports to be,
3. Verification that the person has not previously exercised his/her right to vote: to ensure that voters do not vote more than once,

The verification of entitlement is a time consuming exercise, as it is necessary to verify citizenship, age, the non-applicability of restrictions that are occasionally placed on the right to vote (e.g. being of sound mind, not having being condemned of certain types of crime, etc.), as well as the entitlement to vote in the elections of the specific constituency of which s/he is a member. This is the most difficult aspect of the verification of entitlement, since voters have to be linked to the specific constituency for which elections take place⁹². It is for this reason that the verification of entitlement is usually done in advance. A Register of Voters is essentially a database where all persons whose entitlement has already been verified have been included. The next step is subdividing it into specific lists of voters for each polling station (see note 1). If such lists exist, entitlement can be quickly verified by checking whether the name of the prospective voter is included in the list.

The advance registration of voters may also contribute to the two other activities mentioned above. In some cases, the electoral management body (EMB) issues a document that can be used both for the

⁹² In the case of Afghanistan, geo referencing voters is not even necessary when dealing with a national constituency, is easy for a provincial constituency, and extremely difficult for district constituencies. Geo-referencing involves the development of a cartography linked to constituency limits, relating voters to that cartography, selecting polling stations and only then relating voters to polling stations.

verification of entitlement and identity⁹³. In other cases, the EMB does not deliver a document but includes photographs (or signatures) in the list of entitled voters sent to the polling station, thus enabling the polling officers to verify the identity of the voter (the so-called photographic rolls, such as the ones used in Mexico or Bangladesh).

The registration process is more recently also being used for the third type of verification (avoidance of multiple voting). The registration procedures may include systems that preclude the possibility of double registration, through the use of biometrics. If, through the application of those systems, the EMB and other relevant stakeholders are reasonably convinced that the name of a voter can appear only once in one voter list, then the name of a person who has already voted is crossed out in the voter list (and, eventually, the voter's card marked), thus excluding the possibility of double vote.

Previous registration of voters has another very important function: it makes possible adequate logistic planning by an EMB. In the absence of registration, an EMB can only make rough estimates of the number of voters that would appear to vote in a polling station and would thus be forced to send a significant quantity of extra ballots in order to cover unexpected large turn-outs. Previous registration, when resulting in voters' lists at each polling station, informs the EMB of the maximum number of voters in each of them, helping it in planning the distribution of electoral materials and the allocation of polling staff. It significantly reduces the cost of the exercise, as the need for electoral materials can be precisely estimated.

3. Registration of voters in Afghanistan

Registration of voters was conducted previous to the 2004/5 electoral cycle, on the basis of the voluntary presentation of voters at over 5,000 registration centres. The regulations did not include procedures to establish the eligibility of applicants and full geographical information about voter residence was not included in the VR database⁹⁴. Registrants were provided with a Voter Card (VC) with limited security features, which included a photograph for identification purposes (with the exception of women in certain parts of the country). A large number of VC were distributed in Pakistan, however, those did not include a photograph since there was no time⁹⁵ for conducting a full exercise in foreign

⁹³ Voters' card may become, in many of those cases, a document of identity that might be used in other aspects of daily life, particularly when there are no other ID documents with national coverage. Such is, for instance, the case of Mexico, where the quality of the Voter's card is rather high and it has become widely accepted as a proof of identity.

⁹⁴ Margie Cook and Daniel Finn have suggested that in "*preparation for potential local (district and municipal) elections, a review should be undertaken to determine to what extent the raw records of the previous VR exercise could be used to assign voters to localities. In doing so, special attention should be given to recovering additional geographical information about voters from registration booklets, and/or to assigning voters to polling stations based on the centres where they registered.*" However, there are serious technical limitations. The volatility of the lists of polling centres militates against this proposal. The whereabouts of the paper documents on which the old voter registration database was based seem to be unknown.

⁹⁵ The decision was taken two months in advance. Refugees in Iran were not provided with VCs and were allowed to vote with other documents.

locations (these cards were not valid for use inside Afghanistan). A total of 12.5 million persons registered at the time. It should be mentioned that those registration drives did not include biometric procedures that would prevent multiple registrations by individuals, although they were of common use in other countries at the time.

After recognizing the limitations of the 2003/5 registration process, both the preliminary report (25 July 2005) and the progress report (27 September 2005) of the Post-Election Study Group (PESG) produced a number of relevant recommendations concerning voter registration⁹⁶, to be implemented in the three and half years available before the next electoral cycle.

A permanent registration update with an opening of the voter lists before every election can be considered an option for Afghanistan, independently of whether continuous registration is possible in the near future. An independent review of the current voter lists should be conducted after the 2005 elections in order to assess the viability and cost of updating them, including the elimination of multiple registrants and the deceased from the list. Proper identification of the province and place of residence (village/nahia), which would enable the allocation of voters to constituencies and polling stations, should equally be ensured.

*If the option of producing a national ID card jointly with a voter list is decided upon, the ID document would also work as voter identification. In a first instance, the voter registry would almost automatically emerge from citizen identification. In the future, the voter list would be periodically updated after requiring new registrants to be properly identified with an ID card, or **taskera**. Several projects for a national ID card have been proposed to the Government. This might be the time to focus on the feasibility of such a joint venture of generating a voter list at the time when all citizens are duly identified. Joint planning in this regard should be pursued by the IEC and the Ministry of Interior.*

It was further suggested that:

Two pilot projects (to be started and completed within 2006) shall be conducted in a number of districts before launching the nationwide operation. In principle, three districts may be selected taking into consideration the urban-rural divide, the multiethnic composition of the nation, accessibility and security conditions.

It was suggested at the time that biometric data⁹⁷ should be used both for elimination of double registration and for identifying a person with a high degree of accuracy and that the identification

⁹⁶ The complete recommendations of the PESG are attached.

⁹⁷ The PESG document indicated that although fingerprints are widely used, they are not reliable in a society where a high number of people have been working manual labour all their lives. Fingers become so calloused from the hard work that there is no pattern or at least no unique pattern discernible. The preferred biometric technology was iris scanning which is more accurate and has come down in price to be competitive. It is more accurate and

document to be distributed should be hard to replicate, and that it should be easy for even a modestly trained person to recognize a fake document.

Nothing was done in 2006, and the pilot studies were only available only in December 2007. The final report⁹⁸ recommended

... the civil registry should be de linked from the voters' registry and the IEC be let to conduct voter registration of only persons aged 16 years or above.

... The computerized data entry module should be used for data capture because it proved to require less time, was less prone to errors and enabled a more efficient way of data recovery and retrieval in cases of data losses and corruption. ...

Facial recognition should be used for duplicate analysis, as the same photograph for the voter/Id card is sufficient for duplicate analysis. Facial recognition also provided a visual review of the duplicate images in cases of mismatches. In addition, facial recognition proved to be less expensive and is more widely used in large electoral and civil registration databases ...

The elections commission should set up a voter registration department with dedicated staff and should strengthen its translation unit as priority areas. ...

To cut costs and avoid duplication of resources, all data required for voting and the civil registry be captured from all registered applicants. A complete database of all applicants aged 16 years or above is expected to be passed on to the ministry of interior as a starting point for the civil registry.

However, by then a political decision, taken in June 2007 by the Cabinet established that the Ministry of Interior (MoI) would undertake civil registration autonomously from voter registration. Not much happened in the following months, and a subsequent decision was made on 29 June 2008 allowing the use of the old cards. As a consequence, the registration exercise became a limited voter card top-up exercise. It was also decided to use a biometric verification approach (based on finger prints) different from those suggested by the PESG (iris scanning) or by the pilot project (facial recognition). Both the PESG and the pilot studies argued the limitations of fingerprints in a country with the characteristics of Afghanistan.

Therefore, between October 2008 and February 2009, a top-up exercise was conducted to ensure that *“eligible men and women (including harder to reach groups) who do not have cards are given the opportunity to obtain one in time for the 2009 elections”*. The amount budgeted for the exercise was

more easily implemented than facial recognition, or other biometric measures. In the Afghan context iris scanning has been used by UNHCR to avoid paying repatriation fee to the same returnee several times.

⁹⁸ Internal Evaluation Report - Civil And Voter Registration Pilot Project, ELECT, 30 November 2007

around US\$ 86 million⁹⁹. The exercise covered those who had not previously registered; who had lost their voter's card, who had changed residence or who would be 18, by September 2009, in time for the Presidential election¹⁰⁰. Since there was no adequate information on address/villages of residence, the option chosen was to link new registrants to the polling stations of their choice.

The CEA expressed her disagreement with the partial coverage of the exercise¹⁰¹, which would allow those who had voters' cards from 2003/5 to register again, pointing out that the cost of a full-fledged exercise would have been not much greater than that of a large scale top-up¹⁰² – in which she was right – and that a full-fledged exercise would have avoided double registration – in which she was partially wrong, since the inability to provide an effective remedy against multiple registrations (discussed below) and the delivery of a document with limited security features would still have been present even if the whole population was the target of the 2008/2009 exercise.

Once again, the verification of eligibility during the 2008/2009 registration campaign was loose. A letter from the mullah or the district VR official was deemed sufficient for registration. Allegations of widespread abuse of this mechanism were made. The observation of registration by FEFA identified a certain number of underage persons being registered, as well as numerous instances of women being registered on the basis of lists provided by male relatives¹⁰³.

As mentioned above, a major – although partially useless - innovation introduced in 2008/9 was the use of biometric verification mechanisms although, as noted, different from those advised by the PESGor in

⁹⁹ The budget estimates seem to have been rather generous, since around US\$ 20 million were not used.

¹⁰⁰ According to FEFA's Report on Registration, in a meeting held on the 7th April 2008, in presence of the Afghan president and the cabinet, the IEC fixed the election date to October 2009. Accordingly, it was decided that those that turn eighteen in September 2009, in time for the elections, would be able to register. Registration went ahead accordingly, although the date of the elections was subsequently changed to 20th August 2009.

¹⁰¹ Notes on potential weakness to voter registration processes as determined, Note for the Record, Margie Cook, undated.

¹⁰² During the 2008/9 registration drive 796 VR Centres with 4211 VR Stations registered an average of 43 persons per day (assuming they functioned during 25 days in each phase), resulting in a total of 4,566,623 voters. The number of voters processed per VR station could probably have increased to around 70 without major problems. Therefore around 7,500,000 persons could have been registered with the same level of deployment. To accommodate the whole population (probably not more than 15,000,000) the number of VR Stations should have been doubled (if the number of VR centers was maintained). While these are very rough estimates, they show that covering the whole population would not have been an entirely impossible task. The main limitation would probably have been the possibility of procuring additional registration equipment necessary in a short period.

¹⁰³ Similar comments were advanced by other observer missions. According to NDI "A lax registration process led to multiple registrations and the registration of ineligible voters. An accurate voters' list is an important means for preventing electoral misconduct and for assisting the IEC in preparing for the polls. There is widespread agreement, however, that the existing voter registry is grossly inaccurate; in some provinces, registered voters exceed total population estimates. The existence of large number of duplicate and counterfeit registration cards could seriously undermine public confidence in the electoral process."

the pilot study. The finger prints of the voters were taken with the purpose of using an Automatic Fingerprint Identification System (AFIS) that would enable to detect duplicates of new registrants¹⁰⁴. As previously issued cards were to remain valid to vote, the ability to detect duplicates would be limited to the group of new registrants (subsequent to the completion of data entry).

Although registrants were linked to polling stations in the database, for the 2009 elections they were free to choose the polling centre at which they would vote. A total of 4,566,623 individuals were registered during the 2008/9 exercise. The IEC maintained one VR centre at each provincial capital to attend to those who could have missed registering earlier. On June 20, the IEC launched mobile VR teams to reach out to people in remote areas.

Therefore, the number of persons who were issued voters cards that enabled them to vote in the August 20 elections was close to 17.5 million, certainly larger than the most optimistic estimates of Voting Age Population (VAP). According to the population estimates of UNHCR, the total population as of 2008 was 23,511,400¹⁰⁵. Since the life expectation is 46.5 years, the VAP population can be estimated in 45% of the total population – an estimated total of 10,580,000 persons of voting age.

4. The degree in which the purposes of registration are fulfilled in the present context

Verification of entitlement: The verification of entitlement continues to be entirely *bona fide*, since the assertions of the registrants are accepted and no specific documents (such as the *taskera* booklet) or a proof of residence (notables or elders' testimony, etc.) were required in 2008/9. Registrants were not asked for their place of residence (*village/nahia*), but simply to choose the polling station where s/he wanted to vote.

Verification of identity: Given the *bona fide* character of the process, there were no specific efforts to verify whether the name provided by the registrant corresponded to the person being registered. Once the registration was completed, the registrant was provided with a voters' card that included a photograph, which would allow the verification of identity at the polling station¹⁰⁶.

Verification of double registration: For such purpose, it was decided to use an Automated Fingerprint Identification System (AFIS), provided by a South African company¹⁰⁷. Fingerprints were taken using ink

¹⁰⁴ We have not been provided with studies justifying the decision, nor have we been able to identify them from other sources.

¹⁰⁵ www.unchr.org/489865612.html

¹⁰⁶ However, photographs for women were optional and frequently not taken in certain provinces, which in practice means that any woman can vote with such a card.

¹⁰⁷ The rather expensive pilot project completed a few months earlier had recommended facial recognition. The alternative of using AFIS was suggested from within the IEC, at intermediate levels, from persons who have obtained information concerning the system during a visit to South Africa. We have not been able to identify the advice on the subject provided by ELECT. In any event, the funds spent in the pilot (over US\$ 1 million) were clearly wasted.

rather than with an electric print scanner¹⁰⁸. The prints were then scanned and processed through a proprietary software that can compare the fingerprints of a new registrant with those in the database (12 special scanners were procured for this purpose). The way in which fingerprints are taken might reduce the ability of the system to recognize duplicates. Reports are that early on in the operation it was not uncommon for fingerprints to be blurred, over-inked, and difficult to read. However, this seems to have improved during the exercise. International advisers working with the system claim that the software is able to recognize up to 85% of the fingerprint data entered thus far.

However, the approach had severe limitations that should have been recognized before embarking on the exercise, since the existing limitations were known. They are:

- a. As pointed out above, the biometric verification was only valid in relation to the sub-group of voters registering in the top-up exercise. Any person already registered in 2004/5 could register again without any possibility of such double registration being identified.
- b. Most important, the standard recommended procedure involves a two-step approach. In the first presentation the biometric information is collected, and sent back to a location where it is compared against the whole data base¹⁰⁹. If no duplicates are detected, **then** an ID or a voter card is printed, and sent back to the place of registration where, in a second visit, the person collects his/her card. In a one-step process, where the registrant obtains a card **before** the verification is made, it is entirely possible for that person to register in other registration centers as frequently as he or she wishes, obtaining a card in each presentation, which enables him/her to conduct multiple voting.
- c. It is also possible that when men register their wives, daughters, and sisters they might use their own fingerprints or fingers other than their thumbs. Thus the system will not protect against proxy registration.
- d. Eventually, in all those cases the system will identify the multiple registrations and sanctions might be applied to the person involved. However, the verification was concluded after the elections had taken place¹¹⁰ and there is as yet no public information concerning the number of duplicates detected by the system. Similarly, there is no public information concerning the identification¹¹¹ and sanction – for exemplary purposes – of some egregious case, adequately publicized.

In short, a complex and expensive biometric verification system was employed even if the practical impact on the avoidance multiple registrations were to be quite limited. The previous identification of

¹⁰⁸ Use of an electric scanner is the standard recommended practice.

¹⁰⁹ The verification could be done on line, thus allowing a one-step procedure. However, this practice is extremely rare and certainly not applicable in Afghanistan.

¹¹⁰ Or shortly before.

¹¹¹ How would this be implemented, in absence of exact addresses of individuals, is not clear.

the existing problems does not derive from the benefits of hindsight – it was only necessary to have a simple understanding of the limitations of the system in the specific circumstances of Afghanistan. What might be even worse is that the information collected, including the fingerprints, would be probably discarded if, in the future, an adequate, updated, with proper safeguards against counterfeiting, system is introduced in the future (whether or not linked to civil identification).

Relating voters to polling stations: Apparently the database of 2004/5 cannot be merged with the database of the top-up exercise of 2008/9¹¹². Furthermore, the only precise information related to residence is limited to the identification of the province declared as residence in the case of 2004/5 and the polling station chosen by the registrant in the case of 2009. There seems to be no agreed list of villages or even of districts, which makes it impossible to geo reference the voters and allocate them to polling stations. Cook and Finn have argued that there might be the possibility of mining the database for more precise information, but the proposal does not appear viable – at least at first sight¹¹³. Therefore the preparation of polling station list of voters is not - and never has been - possible in the present situation.

5. A new top-up exercise?

As mentioned above, the top-up registration that took place in 2008/2009 comprised only persons who would be 18 by September 2009¹¹⁴. There are, therefore, four groups that will need to be registered or, rather, provided with Voter Cards¹¹⁵. They are:

- Those who reach voting age between September 2009 and the date of the Parliamentary and District elections;
- Those who have moved from one province or (theoretically) district to another;

¹¹² According to the former CEA: “I met considerable resistance ... to accepting that the earlier rounds of voter registration did not yield a viable voter list (although a large number of Afghans did receive voter cards) and that the database files were not useable as a foundation for future registration. As I recall, there were a number of database experts who took a look at the database files and all came to that conclusion”.

¹¹³ The overall idea is to recover (“mine”) additional geographical information about voters from registration booklets, and/or to assigning voters to polling stations based on the centres where they registered. While no formal analysis of such possibility appears to have taken place, there are serious technical challenges in assigning voters as per the approach suggested. The volatility of the lists of polling centres militates against this activity. Apparently, the whereabouts of the paper documents on which the old voter registration database was based is unknown.

¹¹⁴ Since it was known at the time of the decision that the Parliamentary/District elections should take place less than one year later, it would have been possible design the registration exercise in such a way that it covered the whole 2009/10 electoral cycle and not just the Presidential election. Those persons reaching voting age between September 2009 and the date of Parliamentary elections might have been provided with VC of a slightly different color that would allow them to vote only in the Parliamentary elections. This approach has been taken in some places where elections take place in different dates.

¹¹⁵ Since this is, as discussed above, the only effective impact of the registration process.

- Those which, in spite of having the opportunity to register in 2008/9 did not register and would like to do it now; and
- Those already registered that have lost their cards¹¹⁶.

Although it is difficult to estimate the total size of these groups, the number will certainly be smaller than that covered by the 2008/9 top-up exercise. It can be roughly estimated in 2-3 million voters, although ELECT should conduct analysis to refine the estimate. There are three possible ways in which these groups can be taken care of:

- One possibility would be to undertake a top-up exercise similar to the one undertaken in 2008/9, involving the opening up of 796 registration centers. Given the probably smaller size of the group, the length of the periods during which the centers should be open could be shortened and/or the number of registration stations could be reduced, but the savings would be minimal. The cost of the 2008/9 registration was around US\$ 70 million and the amount that should be budgeted for the new exercise should be of the same order of magnitude.¹¹⁷
- A potential alternative would be to open a reduced number of centres (perhaps one per district), which would result in substantial savings. The number of registrants would also diminish, given the additional difficulties that registration would involve. A more drastic initiative would be to limit the registration to the provincial offices of the IEC¹¹⁸, which would result in very limited additional expenditures.
- A third possibility would be to conduct polling day registration, opening one special desk in each polling centre¹¹⁹ where only those who have reached voting age would register and receive a voting card. The purpose of limiting Election Day registration to this specific group is to limit the number of potential registrants. The other three categories might be required to register, request a duplicate card or change address in the provincial offices of the IEC, where those in the four categories listed above would register. This alternative is made possible precisely by the limitations of the registration system discussed above: its incapacity to impede double registrations and the almost inexistent verification of the entitlement. There is no difference in the quality of the registration whether conducted leisurely in 2000 registration centers or on polling day. Key to this alternative is the ability

¹¹⁶ Given the inability of the registration system to avoid double registration, perhaps a fifth group should be added: those who have registered, still have their cards, and would like to have a second card to improve the chances of their favorite candidates. Given the precedents of the 2009 elections, this group might be unexpectedly large.

¹¹⁷ The equipment used for the 2008/9 top up exercise is located in the provinces and the headquarters of the IEC. No review has been done of what is or is not functional at this time. Previous experience in Afghanistan indicates that a high percentage of camera and printers won't work.

¹¹⁸ As done in the two months following the end of the registration exercise of 2008/9.

¹¹⁹ Or two, if the number of polling stations in the centre is large.

to react quickly and efficiently to surges in the numbers of registrants in certain polling cum registration centers. If queues at the registration tables become too long, the IEC should be able to open an additional registration table or increase the personnel working at the existing tables. Fortunately, surges are more likely to occur in urban rather than in rural areas, which facilitates the responses.

There might be variations of these alternatives which could be developed. Given the direct relationship between the alternative chosen and the ability to conduct the parliamentary/district elections in 2010, the decision should be made as soon as possible.

6. Other challenges related to the forthcoming Parliamentary and District elections

The absence of address and the consequent inability to produce voter lists at each polling station will again require allowing voters in any polling station. This will again require the printing of a very large number of additional ballots, which will be very large for both elections. This was the same problem faced in the 2009 election, but at least at the time the smaller constituency was the province, that information was included in all voters' cards and therefore there was no major issue related to the verification of entitlement.

This will not be the case for the district elections. Even if there is a quick solution for the difficult problem of defining the number and boundaries of the districts – no small feat – there would still be the problem of relating voters to districts. If this problem is not solved, then in practice any voter is “entitled” to vote in any district of his/her province and the transfer of voters from one district to the other could not be even identified.

And the problem cannot be solved, unless the “mining” of information suggested by Cook and Finn is demonstrated to be a viable alternative or a full-fledged new registration is conducted, which is probably not possible¹²⁰. One possible solution would be simply attributing the votes cast in a polling station to the election in the district where the polling station is located. This alternative is easy to implement but simply validates the diffuse concept of entitlement for district elections – voters are formally and practically entitled to choose the district where they want to vote within the limits of their province. It should be reminded, though, that this is not too different from the present situation. Since the voter is not required to present a proof of residence, he or she can select not only the district, but even the province of their enfranchisement.

7. A permanent Voter Registration system after 2010

It seems that ELECT is under the impression that the system used in 2008/9 will be the basis for the building of a long-term Register of Voters. According to the Project Document:

“It is intended that the VR exercise will build a foundation for a viable long term VR; link new registrants to polling stations and provide for the introduction of Automatic Fingerprint Identification System (AFIS) scanning for duplicates of new registrants. It will

¹²⁰ The fastest example known to the team is the recent experience of Bolivia, where a full-fledged registration exercise involving biometrics and the production of voters lists at the polling station was conducted in approximately six months, against all expectations.

initially register for 2009 at this stage, providing a possible model if the IEC implements a second update for 2010.” (emphasis added)

According to this paragraph, the system used in 2008/9 is also conceived as the “foundation for a viable long-term VR”, which means that it will continue to be used for future elections, incorporating not only future registrants as they reach voting age but would be extended to the large group of people who still hold the cards issued in 2003/5 (which did not include biometric verification). That would inevitably involve another full-fledged national registration exercise, involving up to 13 to 14 million registrants¹²¹ and a cost probably in the order of 100 million dollars.

Such a system would now cover the whole population, and duplicates would be detected through AFIS. Evidently, the situation described under (b) and (c) in page 7 (people requesting more than one card, and being detected only after they had received the cards) would not be solved if the present method continues in use. Furthermore, as voters will not be geo referenced but only related to polling stations, they will be in practice “entitled” to vote in any district of his/her province - the eventual transfer of voters from one district to the other could not be even identified. The impact of the “retail” fraud that double/multiple registration makes possible is not significant in the case of presidential elections, but might have serious consequences in the case of the other types of elections, where differences in results are usually small¹²².

It will be very difficult to introduce improvements in the registration approach. For instance, if there is, before the new registration, an agreed list of villages/*nahias* that would allow relating voters to geographical referents, it would only apply to new registrants and not to those registered in 2008/09/10 who would be still related to polling stations. If, when the system is completed, each voter is related to a polling station, there will be difficulties when, for whatever reasons, the location and/or number of polling stations should be changed.

Furthermore, it is necessary to bring into the picture what the MoI will be doing. If it does nothing, then the main documents that will remain in use are the old *taskera* and the new Voter Card (VC) provided by the IEC. If the VC is used more generally, then the ability to obtain more than one ID is a devastating flaw in the case of a document used for normal civil identification purposes. Furthermore, the present quality of the VC is not adequate for use as a civil identification document.

If, on the other hand, the MoI decides to issue a new national document to replace the *taskera*, then it will be replicating what the IEC is doing for registration: opening thousands of ID centers and asking the population to register there to obtain the national ID. As an ID card approach will probably involve two visits (one for submitting the data and capture the biometric information and the other to collect the ID card after it has been biometrically verified), such replication will cost around US\$ 100 million.

¹²¹ The most extreme assumption, since it includes the 12.5 million registered in 2003/5, plus an estimate of those in the other categories.

¹²² Particularly, if SNTV continues to be the electoral system of choice.

A long-term solution will require conducting a full-fledged national civil cum voter registration exercise, which should have, as a minimum, a single national database and the ability to relate voters to villages/*nahias* and detect double registrants before they are provided with a document. A new registration system should also define the procedures to be followed for updating the information, whether they consists of periodic registration drives or are based in a network of permanent registration sites. As suggested by the PESG, the exercise will produce both a Register of Voters that can be subdivided by polling stations and provide Afghans with an adequate ID card. As it is the usual practice, it should be conducted in phases (certainly many more than the four used in 2008/9) and will take two to three years to implement. The construction of such a new system will make no use of the existing databases and of the present voters' cards.

It will not be easy, as it would involve solving the turf discussions between the MoI and the IEC, but there are no reasonable alternatives. It will be necessary to work on parallel lines: to solve the turf discussion, to start working in the production of a uniform list of villages/*nahias*, solving the problems of borders between districts and at the same time to start planning the operation, so that shortly after the 2010 elections work can begin. There is not a lot of time, as there will be again elections in 2013 and the new system should be ready by then. The time necessary for a full fledged registration is beginning immediately after the 2010 elections and being completed before the 2013 elections.

ANNEX TO ADDITIONAL NOTES ON REGISTRATION

Joint Operation Proposal on Voter Register and National ID Document

GROUP ON VOTER REGISTRATION

JOINT ELECTORAL MANAGEMENT BODY SECRETARIAT

POST-ELECTION STRATEGY GROUP

TECHNICAL GROUP ON VOTER REGISTRY

VOTER REGISTER AND NATIONAL ID DOCUMENT

Follow-up concept paper on a joint operation by the Mol and IEC - 13 September 2005

Purpose of the paper

This is a concept paper on the prospective joint operation by the Independent Electoral Commission (IEC) and the Ministry of Interior (Mol) regarding the production of a single national identity document and an updated voter list. This joint operation would allow individual voters to be tied to specific polling stations upon the base of house residence details. The Mol and the IEC have already agreed on the convenience of conducting such a joint operation.

This paper is to be submitted for consideration of the Mol before it is brought to other relevant stakeholders (i.e. the IEC and international donors). It includes the conclusions of the Technical Group at its meeting of September 10 after considering several policy options, which were previously discussed at the office of the Director General of the Civil Registry in the Ministry of Interior on August 31.

Summary guidelines for a joint operation

The policy option considered by the Technical Group has the following characteristics:

1. Civil Registry and Voter Registry are to be done in **one operation**. Data collection will be made at decentralized locations around the country with the cooperation of Civil Registry and IEC provincial and local officials, in addition to village and *Nahia* elders and notables. This is to be done after an assessment of the use of current voter lists has been provided by assessors who are independent from current electoral authorities (IEC, JEMB and JEMBS).
2. Both the Civil Registry and the Voter Registry shall be benefiting from the house enumeration and **using common codes with the undergoing population census** on residence details (house mapping and enumeration).
3. The national identification document will be in the form of an **ID card** format rather than a passbook format. The existing law that provides for *taskera* booklet has to be amended accordingly.

4. The age limit for entitlement of the ID document is to be decided, but **15 years** of age is recommended. Nevertheless, birth data shall be collected for all the population as required for the Civil Registry.
5. The ID will have a validity of **10 years**.
6. The ID will work as the basic identification document for all purposes including use as **voter registration and voting card**.
7. A number of **security features** will be included in the identification document; both on the individual identity of the bearer and the security of the document.
8. A **joint operation group** consisting of the concerned departments (i.e. Civil Registry and Chief Electoral Officer's office) has to be formed to identify the data needs, devising the forms for data collection, and coordinate the entire operation. PESG Progress Report 2005-09-27 ENG Page 47 of 75
9. The implementation of the project **shall be national**. Afghan nationals will be doing all the work after being appropriately trained. Expert international assistance will be provided. All public authorities are required to assist.
10. The Civil Registry shall have responsibility to maintain the data and update the same on a continuous basis. The Independent Electoral Commission has the responsibility to **form and update the voter list** upon information provided by the Civil Registry. The mode of sharing the data between the respective organizations shall be specified under legislation on the subject.
11. Information will be collected in the different provinces and districts of the country in a decentralized manner, but the ID cards and voter list will be **centrally produced in Kabul** in a computerized manner with appropriate quality control. ID cards, once produced in Kabul, shall be distributed directly to their owners through decentralized procedures.
12. The project will be implemented on a **3-year time line**.
13. Two **pilot projects** shall be conducted in a number of districts before launching a nationwide operation.
14. **Maintenance** concepts are to be developed and budgeted as part of the project.
15. A **budget gross estimate** for the two pilot projects would amount to US \$1,350,000 including technical assistance of 10 international experts.

1. One single operation

Civil Registry and Voter Registry are to be done in one operation. Data collection will be made at decentralized locations around the country with the cooperation of Civil Registry and IEC provincial and local officials, and village and *Nahia* elders and notables. Once the information on Afghan individual residents has been collected and the corresponding pictures taken, the material is transferred to Kabul

headquarters for the production of the ID card and the voter list in a computerized centralized manner with insurance that security features are guaranteed, and that no duplications are processed.

This joint operation is going to be undertaken after an assessment of the use of current voter lists has been provided by assessors who are independent from current electoral authorities (IEC, JEMB and JEMBS).

The voter registration exercises for elections conducted in 2004 and proposed for September 2005 have unfortunately not resulted in an error free voter list that can be helpful in conducting District and Municipal elections. In addition, it is felt necessary to register all the citizens and to issue National ID documents to check influx of foreigners from the long permeable borders of the country.

An output of the joint IEC-MOI field exercise should be to identify new polling locations so that the voter can cast his/her votes conveniently as well as demarcate on ground the polling station area that would serve a polling station. Detailed guidelines on how to carry out this exercise would be issued by IEC for the benefit of the joint teams.

2. Only some common codes with the population census.

Census is conducted once in many years. As the purpose of census is collection of data for evolving development and planning strategies. A census exercise done once in 10 years would be more than enough under normal circumstances. Voter registry is to be updated either just before an election or annually as practiced in a number of countries. The civil registry is a continuous exercise; every birth and death has to be recorded on a continuous basis. The timeline for these activities being different, it is only the first census, civil and voter registry exercises that can be combined. After the first census the next one will come after 10 years and the voter list and civil register have to be maintained on a permanent basis.

Resources are allocated for creation of the civil register and the voter list can be filtered out of the civil register as and when required - a National ID card issued for the civil registry would at the same time work as identification document for elections. Integration of these processes makes the voter list a natural dual product of the civil register. If the photo data of the National ID card is used, photo of the voter can also be printed along with elector's details in the voter list as is practice in Mexico, Uganda and some provinces of India.

The information collected during the operations of census, civil registry and voter registry varies considerably. However, a number of the data fields are common in all three operations, and are to be collected locality wise. At the present time, all these operations will be occurring more or less simultaneously. Therefore, it is logical to consider the following. Firstly, whatever information has already been collected for the census (house mapping an enumeration) shall be checked and eventually used for PESG Progress Report 2005-09-27 ENG Page 48 of 75 common codes to be used in the census, the civil registry and the voter registry. Secondly, all other information necessary for the civil registry and voter registry should be collected in a single visit to the locality. Thirdly, the cooperation between elders and other community leaders and civil registry/voter registry officials is absolutely necessary.

Then all the data collected during the exercise can be computerized in a single database and the information required for creating documents for civil registry and voter list extracted from the common database.

The following table reveals the data needs of these operations:

Census	Voter Register	Civil registry
Household details	Name	Name
Income	Father/Husbands Name	Fathers name
Occupation		Nationality
Literacy/education	Age	Date of birth
Land holding	Sex	Sex
Employment		Place of birth
etc.	Village or urban locality	Village or urban locality
		District
		Province
	ID card No.	National ID card
	Photograph (If possible)	
	Polling station	
	Constituency	

While only house mapping information might be taken from the population census at its current stage, it is possible to devise a common pro-forma that incorporates all the required information for the civil registry and voter registry operations.

3. National ID card

The national identification document will be in the form of an ID card format rather than a passbook format.

The document and its background records could be so crafted that there would be no need to generate a fresh document if the citizen changes his place of residence resulting also in change in his designated

polling station as well as his constituency. The existing law that provides for *taskera* booklet has to be amended to provide for this.

4. Age limit to be decided

The age limit for entitlement of the ID document is to be decided, but 15 years of age is recommended. Nevertheless, birth data shall be collected for all the population as required for the Civil Registry.

5. ID validity

The ID will have a validity of 10 years.

6. Use of the ID

The ID will work as the basic identification document for all purposes including voter registration and voting.

The ID should never be punched either at the voting operation or any other official activity. Once a proper voter list has been created, this should serve as the basis for checking who voted and who did not.

7. Security features

A number of security features will be included in the identification document, related to individual identity and the document itself. Some among the following are most frequently used.

1. Biometric features - Iris scanning, Voice recognition, and Hand geometry or Fingerprint scanning
2. Bar coding (1 and 2 dimensional – encoded data), Magnetic stripes, Radio frequency identification, Optical laser cards
3. Photograph, Hologram, Micro text, Signature, Jigsaw pattern, parachute pattern, Computer generated graphics etc.
4. Smart cards
5. Traditional security print and rainbow printing
6. UV invisible print
7. Optical changing inks
8. Integrated photograph background, Ghost image
9. Machine readable zone
10. IR printing
11. Laser engraving
12. MRZ – Laser engraving of alpha numeric OCR - B

Personal unique identification: Biometric data can be used both for elimination of double registration and for identifying a person with a high degree of accuracy. It can be expected that biometric identification will be mandatory for international travel to many destinations within a few years, and widely used in general within the next decade.

Fingerprints are widely used, but are not reliable in a society where a high number of people have been working manual labour all their lives. Fingers become so calloused from the hard work that there is no pattern or at least no unique pattern discernible.

Iris scanning is a newer technology, but is more accurate and has come down in price to be competitive. It is more accurate and more easily implemented than e.g. voice recognition, facial recognition, full body biometry, or DNA-prints, and is more stable as we age than most of these alternatives. In Afghan context iris scanning has been used by UNHCR to avoid paying repatriation fee to the same returnee several times.

The iris scan would not need to be stored on the ID card, but will be very useful in eliminating multiple registrations, and it can be included in passports if needed.

ID card security features: An identification document should be hard to replicate, and it should be easy for even a modestly trained person to recognise a fake document. Paper documents (bank notes, passports, ballots) can have water marks, embedded metal threads, fluorescent fibres, special print etc. The simplest security feature for a plastic card is a hologram, either in form of a sticker or a foil covering the whole surface of the card. Microprint and special patterns can add to the difficulty in falsifying a card. Magnetic stripes and chips should not be used as security features as they may be slightly more expensive to produce, but easily programmed. They can however be useful for storing data about the individual, as can 1 or 2 dimensional barcodes.

8. Joint operation group

A joint operation group, consisting of the different concerned departments (i.e. Civil Registry and Chief Electoral Officer's office), and an executive agency have to be formed to identify the data needs, devising the forms for field data collection, coordinate and implement the entire operation. After completion of the project by the joint group, the required information can be extracted from the main database and can be provided to the MOI and the IEC.

While the project should be domiciled at the MoI, the executive agency shall be largely separated from the current affairs of the Ministry. It should preferably be headed by a Managing Director outsourced from within Afghanistan or an international expert. In any case, the person in this position shall have full responsibility on the conduct of the entire operation.

9. In-house endeavor

The implementation of the project shall be national. Afghan nationals will be doing all the work after being appropriately trained. Expert international assistance will be provided. All public authorities are required to assist.

10. Sharing responsibilities and legal mandate

The Civil Registry shall have responsibility to maintain the data and update it on a continuous basis. The IEC shall be responsible for composing and updating the voter list upon information provided by the Civil Registry.

The mode of sharing the data between the respective organizations – Civil Registry and IEC- shall be made according to provisions in the law.

11. Decentralized collection and distribution, but centralized production

Information will be collected in a decentralized manner, but the ID cards and voter lists will be centrally produced in Kabul. Teams of registrars will be visiting the different provinces and districts of the country.

They will collect all the necessary data in cooperation with the chiefs and elders of the communities. At a second stage, ID cards and voter lists will be centrally produced in Kabul according to the appropriate technical specifications and safety guarantees. Finally, ID cards will be handed out directly to their owners back at the village or Nahia level. As for the voter lists, a centralized Voter Register will be built and maintained by the IEC in a computerized form, and ensuring that no multiple registration goes on the records. Disaggregate voter lists by province, district, polling center and polling station will be produced at the time of elections.

12. Timeline

The project will be implemented on a 3-year time line, including 9 months for implementing two pilot projects.

13. Two pilot projects

Two pilot projects shall be conducted in a number of districts before launching the nationwide operation. In principle, three districts may be selected taking into consideration the urban-rural divide, the multiethnic composition of the nation, accessibility and security conditions.

It is an operation that involves visits to difficult areas, therefore, any mistake would be almost impossible to correct later on. Thus, the pilot project may be envisaged and implemented in two or three districts representing an urban locality, a rural setting and a hilly and difficult terrain. The strategy may be fine tuned in line with the lessons of the pilot project before it is launched country wide. These districts may be identified by the Joint Group constituted under the project as suggested above.

14. Maintenance

Maintenance concepts are to be developed and budgeted as part of the project.

15. Budget gross estimates

A budget gross estimate for the two pilot projects would amount to US\$1,350,000 including technical assistance of 10 international experts. This budget gross estimate also includes newly acquired core hardware¹²³ and field operation including training¹²⁴.

As for budget estimates regarding the nationwide operation, this will very much depend on issues, which are still to be clarified or pending decision by the competent authorities such as: a) kind of identification document; b) validity for the purpose of the house mapping and numbering, which has already been done by the Population Census officials; c) age limit for issuance of the ID document; d) modality of field operation for data collection, depending on how many areas of the country are to be covered simultaneously. It is worth noticing that, once the pilot projects are concluded, reduced international expertise should be needed for the completion of the project along a timeline longer than 2 years.

¹²³ This includes necessary hardware which is not available at present from MoI and IEC assets.

¹²⁴ This amount may vary depending on availability of the 1500 field officers of the MoI. Additional staff shall be hired from among the around 6000 District Field Coordinators of the current IEC

ANNEX 4 – Additional notes on electoral operations, fraud and fraud mitigation

Election Day

Polling on 20 August reportedly went very well from the viewpoint of procedures. According to observers, staff appeared to be fairly well trained, turnout was reported to be light. Security was the major issue on Election Day. ISAF reported over 400 individual security incidents on 20 August, including many incidents targeting polling staff, convoys of polling materials, Afghan and international security forces providing security for the election, and voters. Security has remained a problem during the processing of results. International forces received a boost of 30,000 soldiers to provide election security, and all existing campaigns were suspended by NATO as well as the Afghan security forces in order to provide election security.

Election Day procedures for polling remain generally unchanged from the 2004 and 2005 elections. All those with voter registration cards from any in-country voter registration exercise were eligible to vote. Provincial Council voters also had to be registered to the province in which they were voting. The serial number of the voter registration card is recorded in a list and the voter's finger is inked. A voter receives and marks two ballots and casts them into two ballot boxes, one for each election.

Election fraud and mitigation

While fears of fraud were high, in reality the level of fraud was greater than most stakeholders expected and stressed the technical and political systems in place for handling results.

While tally and audit procedures appear to have been effective in their anti-fraud capacities, count procedures seem to have opened the door for fraud in more than one way. Another weakness that has contributed to the impression of a lack of transparency and a procedural door open to fraud is in Election Day reporting requirements. These procedures should be given close scrutiny for the 2010 elections.

ELECT's risk analysis and mitigation framework discusses the risks to the election due to fraud in some detail.¹²⁵ Risk to the election is identified as "medium – significant," with a high probability of occurring. It is interesting that although fraud was universally expected, the type of fraud that was specifically identified was not ballot stuffing but rather proxy voting, especially on behalf of women. This might be due to the fact that the risk analysis and mitigation strategy was the main responsibility of a member of the ELECT team who, after he left ELECT, addressed as main potential problem ahead the issue of the high numbers of suspect registrations of women in the South and South-East regions.¹²⁶ While "proxy voting, ballot stuffing, intimidation and vote buying," were all identified as likely types of fraud, only proxy voting is discussed in greater detail. Although proxy voting and similar forms of fraud and

¹²⁵ UNDP ELECT "Risk Analysis and Mitigation Framework" Updated May 2009, p. 5

¹²⁶ This paper was written and circulated by the former Senior Election Adviser (Richard Atwood) after he left his post and is available neither as a published article nor an internal ELECT document. The evaluation team had access to it only in paper copy.

malfeasance will definitely impact the results of an election, such as the Provincial Councils elections, run under the Single Non-Transferable Vote system (see below), it is wholesale ballot stuffing that was the key risk to the presidential election. As identified again in the risk mitigation strategy, these risks were multiplied by the lack of control and oversight in insecure areas. Although robust fraud mitigation strategies are called for, the team finds that the most robust mechanisms were in place for data processing and audit while the counting procedures communicated a purposeful lack of oversight. The team applauds further fraud control mitigation strategies that have been implemented, such as the removal of district field coordinators and polling staff found to have been involved in irregularities.

Under the ECC order of 8 September, roughly sixteen percent of polling stations open on Election Day have been reviewed for possible fraud. It is generally acknowledged that this sixteen percent represents only the fraud that was obvious and unsophisticated, and that the actual level of defrauded polling station results is much higher. Generally, though, the fraud that effects the presidential election is rather gross and does not consist of multiple voting or proxy voting, which might add several illegal votes to an otherwise well run polling station. (This type of fraud presumably had an impact on the Provincial Council elections and will be a major risk for the 2010 parliamentary elections. The Single Non-Transferable Vote election system makes the vote differences between winning and losing candidates very slim and susceptible to manipulation through small scale fraud. This type of fraud is more challenging to identify¹²⁷ and redress). Rather the fraud has consisted of widespread and semi-systematic ballot stuffing. This ballot stuffing does not imply adding some ballots to the ballot box at the end of the day of normal polling, but instead taking all the ballots allocated to a station and giving all the votes for one candidate (or two or three for the Provincial Council election). Or, running polling and dramatically changing the results by changing the results forms or by creating a new ballot box from a given station. Opportunities to engage in this type of fraud were increased by the insecure environment and the change in the counting operation. However, the evaluation team applauds the preparation of procedures to identify and explore potential fraud at the tally centre and in the field and strongly recommends that all United Nations bodies show their strong support to the ECC.

ELECT's general approach to fraud mitigation was to assist in the promulgation and application of good regulatory frameworks and to support process watchdogs: domestic and international observers. The risk mitigation log (April-June 2009, p. 3-4) details the regulations that were released by the IEC with ELECT support and discusses trainings given to staff, observers, and candidate agents. These are indeed necessary and laudable steps towards credible elections in any context. However, it neglects to highlight the true work done on fraud mitigation through the tally centre procedures and the anticipated audits jointly planned and undertaken with the ECC. It also fails to elaborate any fraud mitigation strategy that tailored to the environment or the high level of probability and risk that high levels of fraud would impact on the election.

¹²⁷ Although some outrageous examples from the Provincial Elections, which take place under that system, have been identified by specialists and publicly exposed. See Martine van Bijlert, comment on "[What the preliminary results tell us \(1\): Kabul provincial council](http://aan-afghanistan.com/index.asp?id=370)" Afghan Analysts Network blog, comment posted on 9 October, 2009, <http://aan-afghanistan.com/index.asp?id=370> .See also Martine van Bijlert, comment on "[What the preliminary results tell us \(2\): Nimroz provincial council](http://aan-afghanistan.com/index.asp?id=373)" Afghan Analysts Network blog, comment posted on 9 October, 2009, <http://aan-afghanistan.com/index.asp?id=373>

Elections Day Information Gathering: Estimating Turnout and Identifying Open Polling Stations

It is a standard practice in elections to require reporting of estimated turnout at mid-day and at the close of the day in order to have a comparison to judge results against and to get a snapshot idea of how the day is going around a country. This is a standard component of the communications protocols established for Election Day. Although district field coordinators (DFCs) were asked to report in to provincial offices four to six times over the course of polling and counting, a rough estimate of turnout was never requested. When the ELECT Chief of Operations/Operations Advisor was consulted by the team in this regard, he indicated that it was not necessary.

Reasoning behind this unusual decision was that procedures were simplified as much as possible throughout the process in order to cater to the environment. It is absolutely true that Afghanistan generally has extremely low literacy rates and areas in which communication between district and provincial capital is impossible. The election was not shielded from these realities. However, the requirement for simplicity is a disservice to the IEC as well as to the Afghan electorate if standard election elements are skipped when they would be possible and useful.

The lack of this information appears particularly unfortunate given subsequent allegations in the media that other organizations did take estimates of turnout and that discrepancies between estimates and results have been staggering. The ability to counter this information if inaccurate or to deal with it if accurate has been lost.

There is a disagreement among ELECT interlocutors whether asking for turnout would have been possible and useful. It is true that some DFCs were not able to report in to provincial offices at all due to communications difficulties. District field coordinators in rural areas may not have been able to present figures for all polling centres under their responsibility on the day due to the long travel times between locations. When asked, ELECT senior management expressed the view that if requested, turnout information would be neither accurate nor helpful. Field staff expressed the opinion that it would have been possible to have rough turnout information from at least some district field coordinators. If ELECT and the IEC had generated internal turnout estimates on a district or even provincial level, this information could have been used as a fraud check during the tally process. Election officials did have procedures in place to identify problematic locations and to spot check election materials for signs of fraud.

Due to confusion in election day reporting, attacks on convoys of polling materials on their way from polling centres to provincial offices, and election day decisions not to open polling in about 200 locations, there is no way to construct a list of which polling stations were open on election day and which were not. While the level of mystery is low, perhaps there are only about 20 questionable polling centres, this lack will complicate planning for 2010 election security. There is also no way to know what the complete election turnout was. Results information was taken only from locations that returned forms to the tally centre. As we know, this did not include results from some polling stations that were legitimately open and it did include results from some polling stations that were not open at all. Turnout figures and the list of open polling stations were released only after data entry of results forms was completed.

Further, ELECT and the IEC did not use other information at their disposal to double check turnout figures given in the results form. Polling staff, at the close of counting, filled in a reconciliation form per election giving the number of ballots used at the station and a results form per election giving the number of votes per candidate. There is also a list of voters, which recorded the serial numbers of every voter at a particular station during polling. Each of these forms was packed into a tamper evident bag (TEB) consolidated for the polling centre and handed over to the district field coordinator, then the provincial office, then finally the central tally centre. Present, therefore at the tally centre was a triple check of turnout per station as reported on the forms. However, neither the reconciliation form nor the list of voters was used to compare turnout against ballots used and votes recorded. The reasoning for this is the lack of faith in the forms being filled in at all or properly at the station level. This may, however, give all the more reason to use every source of information at the disposal of the IEC to try to form an accurate picture of events during the election.

The team recommends for 2010 elections that reporting require turnout information taken from the list of voters at mid-day and at the close of polling. Even if communications difficulties make it impossible to convey this information to the provincial election office on polling day, the information should be requested and recorded so that it can be reconstructed when district field coordinators return polling materials to the provincial capitals. It is further recommended that, if counting operations are retained for 2010, all potential turnout information data be entered and that a level of tolerance for discrepancies between the list of voters, reconciliation forms, and results forms serve as a possible source of information to identify fraud or misconduct.

Counting Operations and Procedures

Counting operations have been changed. The 2004 and 2005 elections counted at provincial count centres. The 2009 count took place in polling stations. At the close of polling, the polling staff reconciles the ballots in the station and fills in a reconciliation form (accounting for the ballots received and used at the station), sorts the ballots by candidate and then counts the votes per candidate and fills in the results form. Copies of the results forms are given to observers, if possible, and posted at the polling station. The original results forms, reconciliation forms, and lists of voters are given to the polling centre manager and packed to be delivered to the central tally centre. Reconciliation involves a comparison of ballots received, with ballots used for different purposes and ballots found in the ballot box. Counting in polling stations has become an international norm. It is efficient and logistically much easier than centralized counting. It should speed the processing of results and thus contribute to the credibility of elections. It is also less expensive and can be more transparent than a centralized count. ELECT officials feel that fraud can be more easily tracked when results are recorded per polling station. It has also been persuasively argued that centralized counts in Afghanistan have been problematic. Provincial count centres have been difficult to manage and control and have created centralized opportunities for political brokers to concentrate persuasion and intimidation. In 2005, count centres became the locale for protests and riots when polling station results were excluded, and two international count managers had to be evacuated from their areas of responsibility. Furthermore, given that Afghans would lead potential provincial counts, the team infers that ELECT officials were concerned about both incompetent count management and potential corruption.

However, the team has mixed feelings in relation to the change in count operations. It can be argued that counting at the polling station level opened the door for wide-scale, gross fraud and sent a message of impunity to power brokers. It exposed polling and counting staff to security threats as they worked into the night on the count, materials to tampering as they were left overnight to be counted in the morning, and communities to intimidation, political manipulation, and reprisals as the community vote was immediately publicized. In insecure environments and places where a local community might be intimidated to vote a certain way or face violence for defying such pressure, secrecy of the vote is protected through a centralized count that batches polling station results and hides the results for any given community.

Ballot stuffing has become the normal way to de-fraud the election in Afghanistan; it was also widespread in 2004 and 2005. The best way to catch and address a stuffed ballot box is through a visual check for stuffing while performing intake at a centralized count. This is also the only way to identify stuffing at levels under those set by the tally centre, for instance, those who stuffed 530 votes and divided those votes between two or more candidates. It is certain that potential fraudsters in 2010 will understand the criteria applied for fraud control in this election and will adjust their strategies accordingly.

Although provincial counts would have been very difficult to manage and would have faced their own set of security issues, in the end, perhaps a more credible election result would have emerged from this style of count operation. The polling station level count has not increased the speed of delivery of election results; on the contrary, by renouncing controls on the count process it has more likely introduced higher levels of gross fraud into the system and contributed to the political difficulties of the certification of results.

In addition to the change in operational approach to the count, there were other problems as well with count procedures. The procedures were a reproduction of the 2004 counting procedures, when the count was performed at a centralized location. It is slower than it needed to be, which is a problem due to the aforementioned security concerns and the fact that it seems that counts were often left until the 21st of August, allowing for potential tampering overnight when polling materials were stored. This is especially true of women's stations; women would not work away from home after dark.

Another small point on count procedures is that the results form had a column to record results per candidate in numerical form but no column for recording results by writing out the numbers. This practice is an international standard and makes it more difficult to change results on the form. Additionally, although the form was provided in carbon copy, the original went to the tally centre despite the fact that changes would be more visible on any of the carbon copies. Stakeholders providing technical advice to the ELECT pointed out this problem and suggested technical fixes but were not engaged by ELECT advisers on the topic. This may be a significant problem for the Provincial Council results. Numerous complaints have been lodged by candidates who have return forms showing that they have more votes than those published in the provisional results.

Therefore, it is recommended that count operations be reconsidered for the 2010 elections. It is further recommended that if counting continues to take place at the polling station level, triggers at the tally centre be changed and count procedures be tightened up.

Also, a further reconciliation could be done in 2010 with the numbers of voters in the list recording the serial numbers of the voter identification cards, which is rather difficult to counterfeit. The team was not able to identify the reasons for not using this additional form or reconciliation in 2009.

Processing of results data

The tally centre data entered the results forms using double blind data entry to arrive at the provisional election results. The tally centre ran a series of queries to try to identify polling station results that needed closer scrutiny, for instance stations where results indicated that ninety percent or more of the votes were for one candidate or that over 540 ballots were used (540 being the number of voters the IEC estimated could be processed by one polling station during the day). ELECT and Electoral Complaints Commission (ECC) staff took joint trips into the field to audit station materials from such stations. Trips were also scheduled for the period immediately following polling to perform spot checks in provinces where fraud was expected and that had shown strong patterns of fraud during the 2005 elections. Reports from observer groups as well as ELECT and IEC staff are that polling and counting went well and that tally centre data processing did a good job at identifying potentially problematic results.

Ballot boxes that indicated fraud through this audit process were quarantined and excluded from the provisional count. Polling station results under quarantine fell into four broad categories: polling stations that returned results showing more votes cast than ballots received (forty-one stations), polling stations that reported results of over 1,000 voters (fifty-seven stations)(results could not be entered into the system and a sub-category of the first grouping), polling stations that were not open but returned results (fifty-one stations)(results could not be entered into the system), and polling stations that were audited for any other reasons (497 stations)(including on ECC request – fourteen stations, stations at centres where other stations had been problematic). The total number of stations identified by the IEC in these categories was 646.

These were recommended for exclusion from the count by the IEC to the Board of Commissioners. On 6 September, the IEC Board of Commissioners decided that it did not have the legal authority to exclude any election results from the count. These 646 stations were referred to the ECC for a decision on their possible exclusion from the count. The results from these stations were never included in the provisional results. However, following the 6 September decision by the IEC commissioners, the IEC Secretariat ceased to identify new stations that might fall into these categories.

Generally, transparency for both the IEC and for ELECT has been a concern of some stakeholders. The processing and release of results is a good example of these transparency problems. Results data was publicized on the IEC results web page for both presidential and Provincial Councils results. It is commendable that these include results to the polling station level and broken down by province and by candidate. However, there have been several problems in this release of data. The first is that campaigns and observer groups had to convert the information from .pdf format to a .xls format (Excel) in order to use the data. This was a time consuming process, further complicated by the fact that between one release of data and the next there would be changes in the order of candidates or the spelling of a candidate's name that confounded this process. These minor irritants were apparently so time consuming that some believed this was a purposeful act to obfuscate the results information. While this is most likely simply due to human error, the fact that those close to the process would

believe such an act possible from either the IEC or ELECT speaks to the disconnect between the project and its stakeholders.

These were not the only errors in data handling in the results process. For a time, the results data published in HTML and published in pdf did not match. The regional roll out strategy of results information was never realized. The September 8 order from the ECC was misinterpreted (see below, this also involves a translation error on the part of the ECC) in such a way that hundreds of stations were left out of the list provided to the ECC. The list of stations falling under the ECC order was never truly free of problems: stations placed in one category that belongs in another, stations that should have been under order that allegedly were not and vice versa, stations quarantined for reasons other than the ECC criteria were originally placed on the list. The final percentages won by candidates as put forward by the IEC are greater than calculations done by observer groups given data taken from the web sight. These are all, perhaps, minor issues, but speak to a larger problem with quality assurance on a crucial task. Improvement in the handling of results data is essential for the 2010 elections.

ECC order to audit and recount

The presidential election results from the 646 polling stations identified by the IEC as problematic were then referred to the ECC for review. On 8 September, the ECC issued an order to “audit and recount the ballots cast at polling stations that exceed certain thresholds that have proven to be strong indicators of electoral irregularities.” The ECC ordered the IEC to conduct an audit and recount of the presidential election results for all polling stations where there were either a) 600 or more votes or b) at least 100 ballots cast and 95 percent of the vote was for one candidate. This created a third category, c) of stations in which there were 600 votes and ninety-five percent of valid votes cast were for one candidate.

Reportedly, the IEC provided a list of polling stations to the ECC within two to three days of the 8 September order. There are, however, inconsistencies in the reporting of the number of stations that would fall under this order. The minutes of the ELECT stakeholders meeting from 13 September indicate that the initial list of stations generated by the IEC and given to the ECC consists of 2,516 stations. This does not include an additional 447 stations that the IEC refers to at that meeting as in quarantine and also falling under this order (for a total of 2,963 stations). It is unclear whether this 447 refers to stations only that were audited by the IEC (the number of which, according to information provided by ELECT was actually 497) or to the whole group of stations that the IEC secretariat referred to the board for exclusion. Regardless of the reasons why, the total number had changed to 3,063 by 24 September, at which point the sampling methodology was made public.

Subsequently, it was determined that the first list did not include all the stations covered by the order, and the list grew to 3,498 stations by 4 October. Stations that were quarantined by the IEC for reasons other than the order’s criteria were removed (to be excluded by order of the ECC in a separate decision). There was also a problem with an interpretation from the order. The IEC had used only valid votes to draw up the list of stations for criteria *a* (600 or more votes) and all votes, rather than only valid votes, had been used to draw up the list of stations for criteria *b* (at least 100 ballots and ninety-five percent of votes for a single candidate). The mistake for category *a* was due to the translation by the ECC, which

left out the word “valid,” although it was clearly stated in English. The two mistakes meant that nearly 900 polling stations had not been included in the list provided to the ECC. Because the sample had already been drawn when these problems came to light, the ECC treated the new polling stations as their own new categories. This added awkward smaller secondary universes to each category and these three additional lists had to be sampled separately. However, observer groups have pointed out that even the final list is not fully consistent with what they find in the results posted on the results web site. The point of this review is to suggest that neither the ECC nor the IEC has a firm grip on their data and that coordination has been difficult.

When the ECC issued the order to audit and recount stations falling within these categories, there was immediate concern expressed by stakeholders, including the senior management of ELECT, that full compliance with the order, recounting ballots box by box and investigating other station materials for signs of fraud, would be a lengthy process. In response to these concerns, the Special Representative of the Secretary General (SRSG), turned to a personal acquaintance and well-known election expert who happened to be in country in her capacity working with a USAID contractor. This acquaintance referred the SRSG to the sampling methodology and another pair of experts who could help to implement such a methodology. The ECC agreed to the methodology at the suggestion of the SRSG, and one of the two experts was brought into the country under a UNAMA contract. The other expert is the statistician behind the sampling methodology who was unable to deploy due to a medical condition. His advice was dispensed via e-mail and telephone. These contracted experts were instrumental in the establishment and promulgation of the sampling methodology and acted as go betweens for the ECC and IEC.

This situation seems to have placed both the ECC and UNAMA in delicate positions. The ECC had no in-house technical expertise in the methodology that was provided to them. The commissioners did not necessarily understand the statistics behind the method nor fully trust the methodology. The Afghan public tend to view the process as highly politicized. Bringing in outside experts to craft the response to the 8 September ECC order was time consuming. The sampling method was not made public until 24 September and the audit did not begin until 5 October. Many observers of the process have questioned whether it would have been possible to fully review all the stations under the order if a response had been prompt and resources been made available for the retrieval of boxes.

The sampling method creates three universes within the stations under order, one for each category. Treating votes as the unit of analysis, a large sample is taken from each of these universes: roughly 10 percent. The sample of votes is so large that the margin of error is close to 0.5 percent¹²⁸. Each sample is examined, box by box, by a team of IEC auditors with ECC representative present and taking notes in a

¹²⁸ It might be noted, en passant, that the final difference between the results of the front runner and 50% was only 0.33%, apparently within the margin of error of the chosen sample. However, this is a matter for statisticians, not for lay evaluators. However, as noted elsewhere, observer groups find the percentage earned by the front-runner as low as 48.3% given their own application of the ECC orders to results data published on the IEC web. See Democracy International comment on, [“Democracy International Finds Runoff Required Based on ECC Audit Findings”](http://democracyinternational.com/afghanistan/) Democracy International Afghanistan Election Observation blog, comment posted on 19 October, 2009, <http://democracyinternational.com/afghanistan/>

structured format for reporting to the complaints commission. For each ballot box in the sample, a determination is made by the ECC whether there was fraud or irregularities at the station. When complete, the ECC determined what percentage of votes in the sample was considered fraudulent. This coefficient is then applied to the entire universe of votes within the category (including the boxes within the sample) to determine the number of votes to disqualify per each candidate. The same percentage is applied to every candidate. The assumption is that those candidates for whom more fraud was perpetrated will be over-represented in the universe to the degree that fraud increased their vote share, and therefore such a candidate would have the appropriate share of votes disqualified. There has been some controversy over this method of extrapolating from the sample to the universe. The method of extrapolation was made public and then changed, and an array of technical experts have been asked for their opinion in addition to those brought in by UNAMA. This method is not a very common sense approach and the IEC and candidates showed some reluctance to accept ECC recommendations.

Politically, the ECC is in an idiosyncratic position. It maintains its reputation for independence among the Afghans by virtue of its domination by international appointees. However, this structure is a holdover of the 2005 election law and can be expected to change when the law is amended (although this will probably not affect the mandate for the ECC in 2010). Much has been made that the “United Nations backed body” has become the arbiter of these elections and the ECC is at risk of being seen as a vehicle for advancing the political agenda of the international community. These tensions have played out within the commission itself, when Commissioner Barakzai, the appointee from the Supreme Court, quit the panel complaining that the international commissioners made decisions without reference to the opinions of the Afghans.