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## ENHANCING LEGAL AND ELECTORAL CAPACITY FOR TOMORROW Phase II (2012-2015)

### ELECT II

2014 THIRD QUARTER PROJECT PROGRESS REPORT

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## PROJECT INFORMATION

**Project ID:** 00063078

**Duration:** January 2012 – December 2015

**ANDS Component:** Governance, Rule of Law, and Human Rights

### Contributing to NPP:

National Governance cluster:

- “National Transparency and Accountability Program” (component 3.7. oversight mechanism for elections);
- “National Law and Justice for All Program” (legal reform of the electoral framework);
- “National Human Rights and Civic Responsibilities Program” (component 3.2 increased effectiveness of IEC and ECC).

Human Resources cluster:

- “National Action Plan for Women of Afghanistan” (NAPWA) (component 5: Public Education and Awareness Raising).

**CPAP Component:** Outcome 4: The state and non-state institutions are better able to promote democratic participation and be accountable to the public

**UNDP Strategic Plan Component:** Democratic Governance

**Total Project Budget:** USD 338,157,793

**Annual Work Plan 2014:** USD 147 million (funded budget as of 30 September)

**Implementing Partner:** Independent Election Commission of Afghanistan (IEC)

**Chief Technical Advisor:** Deryck Fritz

**Programme Specialist - Elections, UNDP Country Office:** Mir Nadia Nivin

**Project Planning, Monitoring and Reporting Specialist:** Filip Warnants



**PHOTO COVER PAGE:** UN Audit Supervisors supervising the IEC ballot audit process of the second round of Afghanistan’s 2014 Presidential Elections, in the presence of candidate agents and international and national observers. August 2014. Photo by ELECT II

## ACRONYMS

<b>ANFREL</b>	Asian Network for Free Elections
<b>ANSF</b>	Afghan National Security Forces
<b>BB</b>	Ballot Box
<b>DI</b>	Democracy International
<b>DIM</b>	Direct Implementation Modality
<b>DPA</b>	Department of Political Affairs
<b>ELECT/II</b>	Ensuring Legal and Electoral Capacity for Tomorrow/Phase II
<b>EAD</b>	Electoral Assistance Division
<b>EMB</b>	Elections Management Body
<b>EU EAT</b>	European Union Electoral Assessment Team
<b>FEFA</b>	Free and Fair Election Forum of Afghanistan
<b>ID</b>	Identity Document
<b>IEC</b>	Independent Election Commission
<b>IECC</b>	Independent Electoral Complaints Commission
<b>ISAF</b>	International Security Assistance Force
<b>IFES</b>	International Foundation for Electoral Systems
<b>Moi</b>	Ministry of Interior
<b>MOU</b>	Memorandum of Understanding
<b>NDI</b>	National Democratic Institute
<b>NIM</b>	National Implementation Modality
<b>NTC</b>	National Tally Centre
<b>OSCE/ODIHR</b>	Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights
<b>PC</b>	Polling Centre
<b>PS</b>	Polling Station
<b>PSA</b>	Public Service Announcement
<b>SMB</b>	Similarly Marked Ballot
<b>SMRF</b>	Similarly Marked Results Forms
<b>SRSR</b>	Special Representative of the Secretary-General
<b>TEFA</b>	Transparent Election Foundation of Afghanistan
<b>UN</b>	United Nations
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan
<b>UNDP</b>	United Nations Development Programme
<b>UNOPS</b>	United Nations Offices for Project Services
<b>VR</b>	Voter Registration

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## I. EXECUTIVE SUMMARY

In the third quarter of 2014, the UNDP project 'Enhancing Legal and Electoral Capacity for Tomorrow, phase II' (ELECT II) was strongly involved in the ballot audit process of the 14 June presidential run-off elections. At the request of both presidential candidates, Dr. Abdullah Abdullah and Dr. Ashraf Ghani Ahmadzai, as well as the Afghan authorities, ELECT II was tasked with providing robust supervision of the entire audit process. The comprehensive and unprecedented audit exercise of all ballots cast for the presidential run-off elections was originally not scheduled in the electoral planning, as it originated from the 12 July agreement between both presidential candidates to break the political stalemate after the elections. For the audit supervision, ELECT II took up a role more prominent beyond its traditional scope of advisory support. The audit process of the election results was not only a technical matter but also an attempt to provide reassurances and credibility of the results to be acceptable to all stakeholders.

**Role of the United Nations (UN):** The framework for the UN's direct involvement had to be developed in an extremely short period. At the request of the candidates and authorities, the UN played both a facilitation role and a technical role. In this respect, different internal UN entities were closely involved in the process. With strong support from the United Nations Development Programme (UNDP) Country Office and Headquarters in mobilizing electoral experts globally from UNDP country offices and UN missions, ELECT II took up the technical lead in the audit supervision process. The entire process was closely co-ordinated with the Special Representative of the Secretary-General (SRSG) for Afghanistan and the Deputy SRSG, the United Nations Assistance Mission in Afghanistan (UNAMA), and the Electoral Assistance Division (EAD) of the UN Department of Political Affairs (DPA). High-level electoral specialists and senior electoral experts were involved to assist the Independent Election Commission (IEC) with the development of the audit regulatory framework.

**UNDP and ELECT II:** The actual audit lasted from 17 July to 4 September, with the IEC's final decision-making session on 14 September. To assist the ELECT II team, UNDP mobilized in a swift call a total of 128 additional international electoral experts from across the world, and with also the help of 25 UNAMA advisors, the supervision of the vote audit process continued. At the height of the process, 150 IEC audit stations were continuously supervised by the UN from 7 a.m. until 8 p.m. Under the guidance of the SRSG and in close co-ordination with UNAMA, ELECT II advisors constantly mediated with the candidates' electoral team to ensure their consent and co-operation.

The unprecedented UN supervised audit of all ballots was initially not foreseen in ELECT II's planning framework, neither in terms of responsibilities nor in terms of in terms of actual operation. However, as the audit process could be regarded as part of the project's overall objective to assist the electoral authorities with the conduct of the presidential elections,



different activities could be categorized under the different existing Outputs of ELECT II, in particular Output 1: training, security and assistance to the regulatory framework (input to IEC audit, recount and invalidation criteria, procedures and regulations); Output 3: public outreach and external relations (informing stakeholders and the electorate on the objective and progress of the audit); Output 4: operational and management support services (e.g. payment of IEC audit workers, use of UNDP/UNAMA aircraft for ballot retrieval, etc.); Output 5: electoral support (audit operations, movement of ballots, warehouse management, data entry process, etc.); and Output 6: support to the IECC - regulations and framework of the audit complaints adjudication process.

In general, UN electoral experts including ELECT II management, participated together with IEC Secretariat management and representatives from both campaigns in the Audit Management Committee, which held regular (and often daily) meetings from 17 August to 4 September. The meetings of the Audit Management Committee allowed participants to observe implementation; to note any issues that were not addressed in the procedures; and to find practical solutions to technical, logistical and security-related challenges. As a result of these discussions, several substantive improvements were implemented.

Together with the IEC, ELECT II coordinated, with the assistance of the International Security Assistance Force (ISAF), the massive and timely retrieval of all 22,828 ballot boxes from the IEC's provincial offices to Kabul. While ISAF took responsibility for road movements and large-scale air transport, ELECT II and UNAMA aircraft undertook 85 flights retrieving ballot boxes from the provinces to Kabul. As part of the agreement between the presidential candidates, the movement of all ballot boxes took place under international security escort. IEC staff retained custody of the materials at all times.

Furthermore, ELECT II took up a lead role in coordinating the tight security enhancement measures at the IEC premises. The audit process was given a high threat assessment due to its importance, visibility, and intensity as more than 1,000 national and international observers visiting on a daily basis for almost two months. ELECT II security experts, together with colleagues from UNDP, UNAMA and the UN Department of Safety and Security (UNDSS) worked closely together with the IEC Security Unit, the Afghan National Security Forces (ANSF) and ISAF to enhance the IEC's internal and external security. ISAF maintained a 24/7 presence at the compound, while IEC security guards and police forces were also deployed.

In this respect, all ELECT II international staff members were heavily involved in one or another aspect of the audit: from actual audit supervision to mediation with the candidates' electoral teams; and from logistical support to the IEC to legal assistance, training, security, etc. ELECT II's national staff members helped to provide impartial translation and interpretation to UN supervisors during the audit.



Independent Electoral Complaints Commission (IECC): Before the start of audit, the IECC conducted a series of open sessions relating to the 2,576 complaints and appeals registered on presidential elections from 5 to 9 July. The IECC invited media, candidates, agents and observers to attend. The IECC also registered 376 complaints after the IEC announcement of preliminary results on 7 July. The announcement of the nationwide audit meant that the adjudication of these complaints was put on hold during July and August. Following the announcement of the audit, the IECC quickly deployed staff from the provinces to observe the audit process in the warehouse. The IECC contributed approximately 100 staff members daily to observe the IEC audit process. With support from the International Foundation for Electoral Systems (IFES) and the United Nations Offices for Project Services (UNOPS), IECC staff received training and instructions relating to the audit before they entered the warehouses. At the request of UNDP, IFES also deployed Global Elections Advisor, Staffan Darnolf, to support the development of the audit framework, and provide advice on sensitive questions arising during the implementation of the audit.

As soon as IEC started its decision-making sessions on 25 August, it triggered a complaints period at the IECC. As per the law, candidates and agents had the opportunity to register complaints within 24 hours of publication of IEC decision and IECC had 48 hours to make a decision. The adjudication of complaints relating to the IEC audit lasted 25 days, beginning on 26 August when the IECC received the first complaints against IEC decisions. The IECC held eight open sessions to adjudicate all complaints on IEC audit decisions (27, 31 August, and 2, 3, 6, 7, 13, and 16 September). IECC announced decisions publicly shortly after each open session. The IEC and IECC secretariats demonstrated good cooperation during the adjudication process.

The IECC finalized its adjudication on 18 September and sent all its decisions to the IEC. Decisions were as follows:

- 389 decisions on complaints related to IEC audit decisions: 92.5% of IEC decisions were confirmed (360 decisions); 7.5% of IEC decisions were reversed (29 decisions: 26 decisions completely reversed and 3 decisions partially reversed).
- 2,576 decisions on polling and counting complaints from Election Day complaints: 108 polling stations were invalidated. The IECC also imposed sanctions: warnings (9), fines (25), and referrals (2).
- 376 decisions on complaints regarding partial and preliminary results: all dismissed, as the initiation of the 100% audit made these complaints moot.

The IEC filed an objection on 19 September as provided for in the law. The IEC argued that the IECC did not have the power to adjudicate on complaints filed on Election Day due to the nationwide audit. The IECC rejected the IEC objection on the same day.

In parallel to the audit process and the complaints process relating to presidential elections, the IECC resumed its adjudication of provincial council election complaints. The IECC ordered a high number of recounts following the holding of open sessions, mainly in Kabul, Nangarhar, Parwan, Kandahar, Baghlan and Nuristan provinces. At the end of the reporting period, the recounts were almost finalized together with the IEC staff. On 16 August, the IECC conducted a lessons learned exercise for PIECC commissioners from the 34 provinces to capture their recommendations for future improvement and reform as their contract expired after six months. In August and September, the IECC Secretariat worked on training needs assessment, capacity building plan, and an annual report of IECC activities. Together with UNOPS and IFES, the IECC also started preparation for a Post-Election Review event in October with all commissioners and heads of secretariat.

During Q3 2014, in addition to the vote audit process, UNDP undertook a mid-term review of the project as per schedule set out in the Project document. The recommendations of the mid-term review will be presented in Q4 2014. Key challenges in the upcoming period include preparations and readjustment of the 2015 electoral timeline; resource mobilization; enhanced efforts to achieve long-term sustainability of the IEC beyond 2015; and a possible restructuring of the ELECT II project, including the appointment of a new Chief Technical Advisor.

## II. BACKGROUND ON THE AUDIT PROCESS

**Political agreement:** On 12 July, Afghanistan's presidential candidates Dr. Abdullah Abdullah and Dr. Ashraf Ghani Ahmadzai agreed to the conduct of a comprehensive audit of all eight million votes cast on the 14 June run-off round of the 2014 presidential election. The agreement was facilitated by the U.S. Secretary of State, John Kerry, and the SRSB for Afghanistan, Ján Kubiš, as a way forward to break the political stalemate following accusations of fraud and the non-acceptance of the preliminary results that were announced on 7 July. The framework stipulated that all votes from the 22,828 polling stations would be audited by the IEC at its headquarters in Kabul, under the supervision of the UN, and in the presence of representatives of both candidates as well as domestic and international observers. In parallel with the audit process, the US and the UN continued to facilitate a political mediation process seeking consensus between both candidates on the formation of a new government of national unity.

**Ballot audit:** The ballot audit, which also included a recount of votes according to specific criteria, commenced on 17 July. In order to ensure adequate, consistent and balanced representation at every stage of the audit, the IEC organized the accreditation of in total 1,165 candidate agents, consisting of 665 for Dr. Abdullah Abdullah and 500 for Dr. Ashraf Ghani Ahmadzai. A total of 338 national and 736 international observers participated in the process. Key international observer groups included the 'European Union Electoral Assessment Team' (EU EAT), 'Democracy International' (DI), 'National Democratic Institute' (NDI), 'Creative Associates', the 'Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights' (OSCE/ODIHR), and the Asian Network for Free Elections (ANFREL). The main domestic audit observation groups included the 'Free and Fair Election Forum of Afghanistan' (FEFA) and the 'Transparent Election Foundation of Afghanistan' (TEFA).

On 27 August, Dr. Abdullah Abdullah announced the withdrawal of his team from the audit process. In response, to ensure the impartiality and integrity of the electoral process, the UN requested Dr. Ashraf Ghani Ahmadzai to also review the participation of his team in the audit. The audit continued in the presence of domestic and international observers until its completion on 4 December. Assisted by UN electoral experts, the IEC reviewed claims submitted by both candidates of suspicious similarly signed results forms from polling stations within and across polling centres.

Between 25 August and 14 September, the IEC held nine open decision-making sessions on the audited ballot boxes. On 18 September, the IECC completed the complaints adjudication process. On 21 September, both candidates signed a power-sharing agreement to create a national unity government. After completion of the complaints adjudication process by the IECC, the IEC announced Dr. Ashraf Ghani Ahmadzai as the elected President. Both

candidates were provided with the details of the audit. On 29 September, Dr. Ashraf Ghani Ahmadzai and Dr. Abdullah Abdullah were respectively sworn in as Afghanistan's new President and the country's Chief Executive Officer.

### **Chronology of key steps**

On 4 July, in a meeting facilitated by UNAMA, the political and technical teams of both presidential candidates, Dr. Abdullah Abdullah and Dr. Ashraf Ghani Ahmadzai, agreed on the need for an in-depth audit of the ballots of Afghanistan's 2014 second round election. No agreement, however, was reached on the scale of the audit and the specific criteria.

On 7 July, the IEC released the preliminary results of the second round of the presidential run-off election, held on 14 June. Out of 8,109,493 votes (including 37.63% from women), Dr. Ashraf Ghani Ahmadzai scored 56.44% in the preliminary results, before his opponent Dr. Abdullah Abdullah (43.56%). The IEC declared that 22,828 polling stations were opened out of the planned 23,136.

On 12 July, U.S. Secretary of State John Kerry, in the presence of both candidates and the UN Special Representative of the Secretary-General for Afghanistan Ján Kubiš, announced the agreement of a full audit of all 22,828 ballot boxes (8,109,493 ballots), to be conducted in Kabul under UN supervision and in the presence of national and international observers. Additionally, in parallel with the audit process, both candidates agreed to form a national unity government.

On 17 July, the IEC commenced with the audit of the first boxes from Kabul.

On 5 August, 29 European states, plus Australia and Canada, and the European Union, issued a letter to the two Presidential candidates, underscoring that "the rules and regulations, which both camps have accepted and committed to, are sufficient to deliver a legitimate result of the election", and that "the audit process must continue in good faith, without interruptions, until the job is done, as this is what the Afghan people expect and what the Afghan nation needs".

On 5 August, the retrieval of all 22,828 ballot boxes from the provinces to the IEC HQ was completed with the arrival of the last remaining ballot boxes from Badakhshan.

On 8 August, at a UNAMA-hosted news conference, both presidential candidates, in the presence of US Secretary of State John Kerry, spoke about their new agreement on the way forward with the audit and the related political processes, including the formation of a government of national unity.

On 25 August, the IEC made in an open session its first decisions on the audited ballot boxes in an open session. The publication of decisions by the IEC triggered a 24 hour complaints filing period, and started the adjudication period for complaints related to the audit process.

On 27 August, after the withdrawal of the campaign team of Dr. Abdullah Abdullah from the electoral process, the UN requested the team of Dr. Ashraf Ghani Ahmadzai to also review its participation in the interest of protecting the integrity. The IECC registered the first complaints against IEC decisions on the audit.

On 4 September, the IEC completed the regular audit process, while it agreed to initiate a mechanism to

review the claims of suspicious similarly signed results forms, submitted by both candidate teams.

On 7 September, UN audit experts finalized and submitted to the IEC draft procedures regarding the 'review of claims of similarly signed results sheets'

On 8 September, Dr. Abdullah Abdullah reconfirmed his dissatisfaction with the audit process while Dr. Ashraf Ghani Ahmadzai expressed his wish to see swift conclusion of the electoral process and a release of the final results by the IEC. The IEC filed a second objection to a decision of the IECC related to the audit.

On 14 September, the IEC held its ninth and final audit decision-making session.

On 18 September, the IECC held a press conference to announce its final decisions on all 'Election Day' complaints; all complaints on partial and preliminary results; all appeals against 2,341 Provincial IECC (PIECC) decisions; and the 389 complaints against IEC audit decisions. The IECC held a total of eight open sessions to adjudicate all complaints on IEC audit decisions from August 27 until September 16.

On 19 September, the IEC formally filed an objection against IECC decisions invalidating 118 polling stations from Election Day complaints. On the same day, the IECC rejected this objection

On 21 September, both candidates signed a power-sharing agreement to create a national unity government. The IEC declared Dr. Ashraf Ghani Ahmadzai as the elected President, with 55.27% of all 7,120,585 valid ballots cast.

On 21 September, the European Union's Election Assessment Team (EU EAT) welcomed the political agreement signed to form a national unity government. The EU EAT regretted that no precise results figures were yet published and concluded "that, even after the full audit, questions remained on the electoral process and on the final outcome, [...] as the audit failed to bring full clarity on final results".

On 24 September, the observers group National Democratic Institute (NDI) welcomed the conclusion of the presidential elections and the political agreement. The NDI underscored the need for a "thorough inquiry into the vulnerabilities that allowed high levels of fraud to take place, and the identification and prosecution of those responsible for it". It also state that "while electoral fraud as well as certain problems in the audit process make it impossible for any official results to precisely reflect the votes cast, evidence was not unveiled that would cause the outcome to be reversed".

On 29 September, Dr. Ashraf Ghani Ahmadzai and Dr. Abdullah Abdullah were respectively sworn in as Afghanistan's new President and the country's Chief Executive.

### III. RESULTS

#### OUTPUT 1: Sustainability of the IEC is enhanced via the development of its institutional and staff capacity

As part of the 'Afghanisation' of the electoral process, a major objective of the ELECT II project includes the enhancement of the IEC's capacity to realize long-term technical sustainability; in order for the IEC to be able to organize all elections in a credible, professional and successful manner with ever decreasing external international support.

In the third quarter of 2014, all focus and priority were given to the unprecedented audit exercise. ELECT II assisted the IEC with the development of audit training manuals, in particular on the criteria, the procedures and the identification of similarly marked ballots. ELECT II advisors also assisted the IEC with the training of identifying similarly signed results forms.

On 6 September, together with the temporary deployed international audit experts, ELECT II conducted an internal lessons learnt workshop in order to capture all technical lessons and challenges of the audit process.

#### 1.1 Organizational and Staff Capacity

##### *Indicators*

##### *1.1.a. Perception of IEC staff towards working in the IEC*

NA - No conduct of an IEC staff perception survey in Q3 2014 due to continuous electoral operations.

##### *1.1.b. The extent to which the IEC uses data management systems and trend analysis to inform its planning and communication*

The IEC used the established data management tools such as 'election-day reporting' as well as 'material tracking' to organize and monitor the retrieval of all 22,828 ballot boxes from the IEC provincial offices to its HQ in Kabul.

##### *1.1.c. The extent to which institutional plans are developed and implemented*

ELECT II provided support to the IEC to develop the Audit Operational Plan.

##### *1.1.d. Percentage of trained IEC staff who feel they are more effective in their jobs because of training and capacity development opportunities*

NA - No conduct of an IEC staff perception survey in 2014 due to continuous electoral operations.

#### 1.2 Legal framework, regulations and Codes of Conduct

##### *Indicators*

##### *1.2.a. Number of Electoral regulations developed or revised in line with the electoral legal framework*

##### *1.2.b. Codes of Conduct developed/revised in a consultative manner*

ELECT II assisted the IEC with the development of audit criteria, procedures, regulatory decisions, and clarification notes in order to enhance the legal framework of the audit. High-level electoral specialists, including the Director of the UN Electoral Affairs Division (EAD), Craig Jenness, and senior electoral expert Jeff Fischer, assisted the IEC with the development of the audit regulatory framework.

On 15 July, the IEC Commissioners gave their consent to the 16-point formal audit checklist, which included eleven technical criteria and five audit criteria based on UN recommendations aligned with international best practices. Those five UN recommended criteria include:

- Is there any identical or significant patterns of the same markings on ballots?
- Is there evidence of tampering with the results sheet and coherence with the number of ballots in the box?
- Does the results sheet copy match that processed in the National Tally Centre?
- What is the relevant information from the polling station journal and list of voters?
- Ballot boxes receive particular attention from international and domestic observers and agents when they register results that, according to best international practices, require special scrutiny (e.g., when there are significant differences between first and second round tallies).

On 24 July, the IEC Commissioners endorsed the following regulatory decisions (designed with ELECT II input), to strengthen the legal framework of the audit:

- IEC Decision 27-1393 (27/2014) – Endorsement to audit 100% of polling stations of the Presidential run-off election. Approved on 14 July 2014.
- IEC Decision 28-1393 (28/2014) – Approval of the operational plan for the audit of 100% of polling stations of the Presidential Run-off election. Endorsed on 14 July 2014.
- IEC Decision 29-1393 (29/2014) – Transport of all ballot boxes from the provinces to IEC HQ in Kabul for the purpose of auditing 100% of polling stations of the Presidential Run-off election. Endorsed on 15 July 2014.
- IEC Decision 30-1393 (30/2014) – Endorsement of the audit check list for the audit of the 100% of polling stations of the Presidential Run-off election. Approved on 15 July 2014.
- IEC Decision 31-1393 (31/2014) – Establishing the commence date of the audit process of 100% of polling stations of the Presidential Run-off election. Endorsed 15 July 2014.
- IEC Decision 32-1393 (32/2014) – IEC recommendation to the Attorney General Office for prosecution of media outlets – violation of the Election Law (Afghan and Dawat TV). Endorsed on 21 July 2014.

On 30 July, the IEC adopted the 'procedures on the audit' as well as a regulatory 'decision on recount and invalidation criteria', based on a UN proposal proposed to candidates on 24 July. On 10 August, with input from UN electoral experts the IEC approved 'clarification guidelines' on identification of similarly marked ballots.

On 10 August, the IEC approved the 'Code of Conduct for candidate agents', developed with input from UN electoral experts.



On 14 August, with input from UN electoral experts, the IEC approved a 'clarification on criteria number 16' of the audit checklist, which enabled the special scrutiny of 6,000 ballot boxes.

On 11 September, the IEC formally adopted the Regulatory Decision regarding the 'Review of results sheets from specified groups of polling stations', developed with input from UN electoral experts to address the complaint of suspicious looking similar signed results sheets from polling stations within as well as across polling stations.

### **1.3 Physical infrastructure and security**

#### *Indicators*

*1.3.a. Number of IEC newly constructed well-functioning and secured provincial offices*

*1.3.b. Number of additional permanent infrastructure construction works at HQ level*

*1.3.c. The extent to which security at IEC premises (HQ/provinces) is established*

The ELECT II Project Document foresees significant support to enhance the IEC's physical infrastructure, both at its HQ and in the provinces. In this respect, ELECT II has a team of national architects who assist the IEC with the design and quality control of a wide range of constructions.

In 2013, the IEC identified nine provinces for the construction of new offices and/or warehouses on land that it owns: Herat, Nangarhar, Laghman, Jowzjan, Bamyan, Balkh, Paktia, Kunduz, and Daikundi. By the end of Q3 2014, with ELECT II architect, procurement, and engineering advisory support, all construction works had been completed in Herat (offices and warehouse), Nangarhar (warehouse), Laghman (warehouse), and Jowzjan (office and warehouse). The construction works for a warehouse in Bamyan are in progress, while planning for offices and warehouses in Balkh and Paktia had to be revised. Furthermore, in Kunduz and Daikundi the projects have been reconsidered due to land issues. ELECT II is currently reformulating proposals to commence construction at the IEC premises in Badakhshan, Ghor, and Khost.

Besides the construction of new provincial offices and warehouses, ELECT II continued in Q3 2014 to support the IEC in providing the necessary security upgrades where needed in all other provincial premises, such as Balkh, Badakhshan, Baghlan, Ghor, Khost, Laghman, Nangarhar, Paktia, and Zabul.

Similarly, ELECT II has been closely involved in 2014 in the security upgrades of the IEC's headquarters, in particular the reinforcements of walls, and the enhancement of the south gate with tightened security checkpoints. ELECT II also emphasized proper deployment of inner security guards, according to agreed procedures. During the audit process, ELECT II took a lead role in co-ordinating the tight security enhancement measures at the IEC

premises. The audit process was given a high threat assessment due to its importance, visibility, and the more than 1,000 national and international observers visiting on a daily basis for almost two months. ELECT II security experts, together with colleagues from UNDP, UNAMA, and UNDSS, worked closely together with the IEC Security Unit, ANSF, and ISAF, to enhance the IEC's internal and external security. ISAF maintained a 24/7 presence at the compound, while IEC security guards and police forces were also deployed. Security enhancements at the IEC were continued to adapt to new threats, the changing environment, and daily lessons learnt. After tensions got built up between supporters of both teams, resulting in a clash on 19 August in the late afternoon, an even greater collaborative effort was made to secure the IEC premises and to ensure that the audit warehouses were strictly weapon-free. The presence of the Afghan National Police (ANP) also increased. ELECT II continued close consultation on security with candidate representatives in order to secure their full understanding and co-operation in maintaining the highest level of security.

During the quarter, two IEC provincial compounds (offices and warehouse) were completed: Herat and Jowzjan. Security upgrades were in progress at five sites: Ghor, Khost, Zabul (construction of boundary wall, reception building, airlock, police area), plus Nangarhar and Laghman (construction of bunker and guard towers). In addition, ELECT II was constructing a warehouse and water tower at Bamyan and Wardak.

#### **Herat: IEC provincial Office (Office & Warehouse)**

The starting date of the construction contract was 19 November 2013. All construction works were completed on July 30, 2014.



Herat IEC office and warehouse. Photo: IEC

### Jowzjan (Office & Warehouse)

Construction works commenced on site on 1 January 2014. All construction works were completed on 15 July.



Jowzjan warehouse



Jowzjan generator shelter



Jowzjan offices (rear view)

### Other construction activities:



Generator shelter at Bamyan



Warehouse at Bamyan





Boundary wall at Khost



Warehouse at Wardak



Watchtower at Laghman



Boundary wall at Zabul

## EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 647,959 was spent for output 1. In addition, 909,084 from Japanese funding (separate budget line 7) contributed to output 1 achievements. For more details, please see Annex 2.

Below is a snapshot of where ELECT II is in relation to its annual targets:

Table 1: Progress Update Q3 2014 Output 1

BASELINE	2014 ANNUAL TARGETS	Q3 Actual	Comments
<p>Baseline 1.1.a: No baseline</p> <p>Baseline 1.1.b. no structural database system established in the past to institutionalize a systematic way electoral data</p> <p>Baseline 1.1.c: lack of SOPs</p> <p>Baseline 1.1.d: 2012 post-training survey</p>	<p>1.1.a: (2014) Conduct of staff survey to gauge perception towards the IEC on the specified dimensions increased on business process efficiency and staff engagement to measure: 1. IEC perception as employer, 2) capacity development, 3) institutional efficiency</p> <p>1.1.b: (2014) An Enterprise Resource Planning (ERP) database system and a Knowledge and Archiving System are developed and in place.</p> <p>1.1.c: (2014) implementation and review of all SOPs</p> <p>1.1.d.: (2014): 70 % of the staff trained in 2013 feel that that they are more effective in their job because of the offered training and capacity building opportunities</p>	<p>1.1.a. Perception of IEC staff towards working in the IEC: NA - No conduct of a IEC staff perception survey in Q3 2014 due to continuous electoral operations.</p> <p>1.1.b. The extent to which the IEC uses data management systems and trend analysis to inform its planning and communication: The IEC used the established data management tools such as 'election-day reporting' as well as 'material tracking' to organize and monitor the retrieval of all 22,828 ballot boxes from the IEC provincial offices to its HQ in Kabul.</p> <p>1.1.c. The extent to which institutional plans are developed and implemented: ELECT II provided support to the IEC to develop the Audit Operational Plan</p>	<p>The unprecedented (and unforeseen) full audit process re-prioritized all regular capacity development plans at the expense of direct audit assistance and training.</p>

		1.1.d. Percentage of trained IEC staff who feel they are more effective in their jobs because of training and capacity development opportunities: NA - No conduct of a IEC staff perception survey in Q3 2014 due to continuous electoral operations.	
Baseline 1.2.a: all existing electoral regulations are applicable for revision in case of a new electoral legal framework Baseline 1.2.b: All relevant codes of conduct, regulations and procedures need revision. "	1.2.a: (2014): the extent to which review electoral regulations and procedures for the 2014 Presidential and Provincial Council elections are effectively implemented and review has taken place to identify lessons learned for the 2015 elections. With regard to the voter registration process, candidate nomination, campaign and campaign finance, polling counting, results tabulation.  1.2.b: (2014): the extent to which codes of conduct for ethical/electoral Codes of Conduct (CoC) for Electoral Officers, Observers, Media, Political Parties, Security Forces, and Government Officials have been successfully implemented during the	ELECT II assisted the IEC with the development of Audit Criteria, procedures, regulatory decisions and clarification notes to enhance the legal framework of the audit.	On track

	2014 elections and are reviewed for the 2015 elections		
Baseline 1.3.a: The IEC owns 5 provincial offices and warehouses in the provinces Indicator 1.3.b: at HQ, existing space for training and data centre is not useable anymore 1.3.c Physical security IEC premises is weak."	<p>1.3.a: (2014): Construction of (7) IEC offices and warehouses 100% completed in Herat, Daikundi, Balkh, Jowzjan, Paktia, Khost and Kunduz; and of (3) warehouses only in Nangarhar, Wardak and Laghman - all buildings have proper quality certification and are well functioning. 14 other provincial construction works (offices/warehouses) identified, planned and construction commenced. Security upgrades 100% completed in Zabul, Ghor, Paktia, Khost, Balkh and Baghlan (6) IEC provincial offices.</p> <p>1.3.b: (2014) 100% Finalization construction works IEC HQ regarding: North Wall, East Wall, West Wall, South Gate, watch towers, K span warehouse refurbishment, security offices and facilities.</p> <p>1.3.c. Internal IEC guard force (unarmed) fully trained and operational – enhanced outer security by Mol.</p>	<p>a. IEC provincial construction in Herat, Laghman, Nangarhar and Jowzjan completed; Bamyan expected to be completed by end of the year; Balkh and Paktia by mid-2015. Proposal to swap Kunduz and Daikundi (land issues) with Badakhshan and Ghor, and perhaps Khost.</p> <p>b. IEC HQ walls strengthened, South Gate reinforced.</p> <p>c. Tight security in place during audit, IEC unarmed guards, police and ISAF 24/7.</p>	On track for most construction works, delay in two locations, cancelation in two other (to be replaced).



## OUTPUT 2: A sustainable, long-term approach to voter registration in Afghanistan, which also promotes maximum participation of eligible citizens in the 2014 and 2015 elections, is developed and implemented

### 2.1. Voter Registration

#### Indicators

2.1.a Number of new eligible voters enfranchised with voter ID cards  
NA in Q3 2014

2.1.b Percentage of women registered as new voters  
NA in Q3 2014

### 2.2. E-tazkira synergies

#### Indicator:

2.2.a The extent to which the IEC engages in on-going dialogue with Mol to ensure that the e-tazkira long-term database can also serve as a long-term solution for the generation of a VR database.

NA in Q3 2014

## EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 124,917 was spent for output 2, used for salaries of data centre operators - whose work was diverted in this quarter from voter registration data entry to audit results data entry. For more details, please see Annex 2. Below is a snapshot of where ELECT II is in relation to its annual targets

Table 2: Progress Update Q3 2014 Output 2

BASELINE	2014 ANNUAL TARGETS	Q3 2014 Actual	Comments
<p>Baseline 2.1.a: 500,000 new voter ID cards were issued during the 2009/10 top-up exercise; only conducted at provincial capital level and following a wide-scale registration campaign in 2008 that issued 4.5 million VR cards.</p> <p>Baseline 2.1.b: previous voter registration campaigns appeared to have unreliable percentages of women</p>	<p>2.1.a: (2014) all 3 million+ voter cards distributed in 2013-2014 'top-up' prior to the Presidential and Provincial Council elections are properly verified and registered in the IEC database</p> <p>2.1.b. (2013): 30 % of the newly registered voters are women</p>	NA	completed
<p>Baseline 2.2: to be defined once the e-tazkira project is established and implemented</p>	<p>2.2: (2014) MoU between IEC and Mol/MoCIT in place and implementation started once e-tazkira legal framework approved."</p>	NA	NA

## OUTPUT 3: The IEC's engagement and informational outreach with key stakeholders and the electorate is enhanced

### 3.1 Public Outreach

After the conduct of the first and second round of the elections in 5 April and 14 June, respectively, the IEC's public outreach efforts focused on informing the electorate about the audit process. In particular the IEC Call Centre played a prominent role to address queries from people and provide information on the process.

#### *Indicators*

##### ***3.1.a: Means of different public outreach methods developed and implemented by the IEC***

#### Radio and TV public service announcements

In total, five IEC TV public service announcements were broadcast. From 14 to 22 July, the IEC broadcast a message to explain the way that election results were tallied as well as the announcement of the nation-wide audit. From 17 July to 1 August, three regular scheduled public service announcements on television and radio were broadcast. The first was a 'thank you message', expressing gratitude for the participation of Afghans in the first-round and run-off elections. The second underscored the mandate of the IEC, to conduct and announce the results of elections; and the third directed Afghans to the IEC call center, where operators responded to questions and concerns of the national electorate. All messages were broadcast in Dari and Pashto, on eight television stations<sup>1</sup>. Messages were aired 469 times over the 15-day period – an average of 31 times (1,961 seconds of air time) each day. Radio messages were broadcast two to four times, daily in Dari and Pashto, on 24 radio stations<sup>2</sup>. In total, messages aired 2,208 times over the nine-day period – an average of 192 times daily. Exact outreach figures are not known, but earlier radio and TV estimates indicate up to 12 million listeners on those stations and several hundred thousand viewers on the respective TV channels.

#### IEC Call Centre

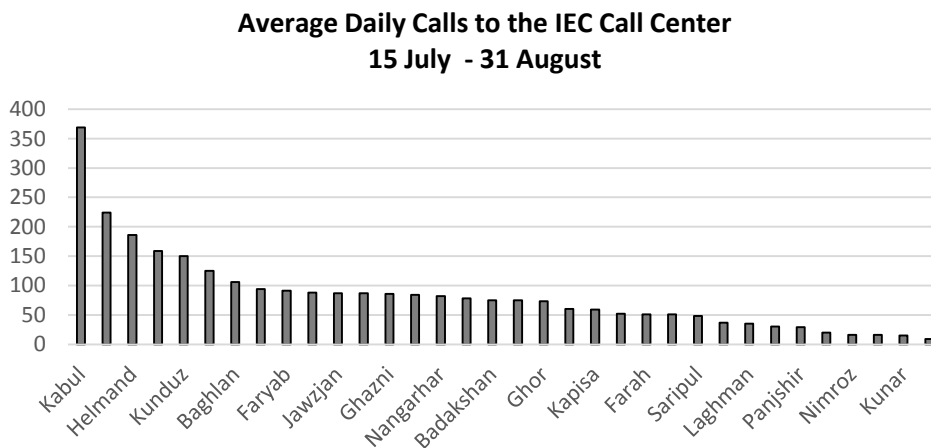
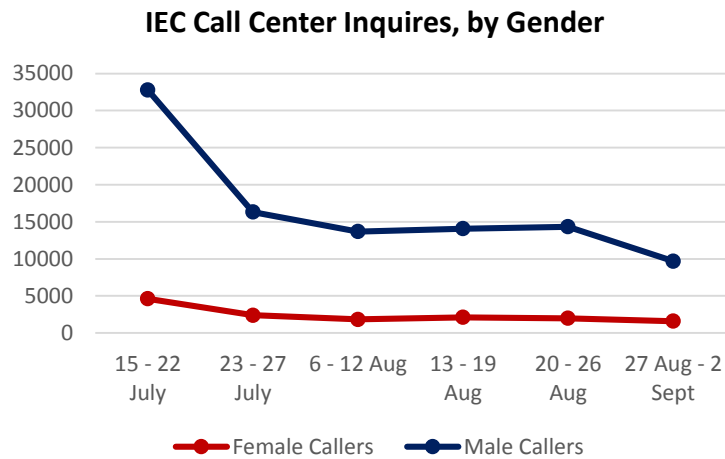
The Call Centre (Telephone Number: 190) was the IEC's main outreach medium to provide information on the audit and respond to queries of Afghan citizens across the country. Telephone operators, 30 to 90 according to the demand, received calls every day, from 7 a.m. to 8 p.m. During the audit process, from 15 July to 2 September, the Call Centre received 115,441 calls: an average of 19,240 calls per week and 2,749 calls per day. Use of the service was remarkably disparate; statistics suggest that certain groups are much more likely to call

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<sup>1</sup> Ariana, Ayna, Kabul News, Lemar, One TV, Shamshad, Tolo and Zhouwandoon

<sup>2</sup> Ariana, Farhang, Spojmay, Alem, Gorbard, Quyash, Arman, Killid, Sada-e-Zan, Laghman National, Nuristan National, Badloon, Pahstun Ghage, Khurasan, Bahar, Arezo, Kaihan, Amo, Hamsada, Faryad, Banu, Hanzala, Naseem, Parwan

the center than others. According to data gathered over six weeks during the audit period, those living in Kabul were 41 times more likely to call than those living in Nuristan; and men were almost seven times more likely to call than women.



**3.1.b: Number of public outreach activities that specifically target women**

In order to lower the barriers for women to call the IEC for queries on the audit process, the IEC recruited up to 25% female Call Center operators.

**3.1.c: Number of participants reached through direct public outreach activities**

115,441 people, of whom circa 13% were women, called the IEC Call Centre with queries about the audit process.

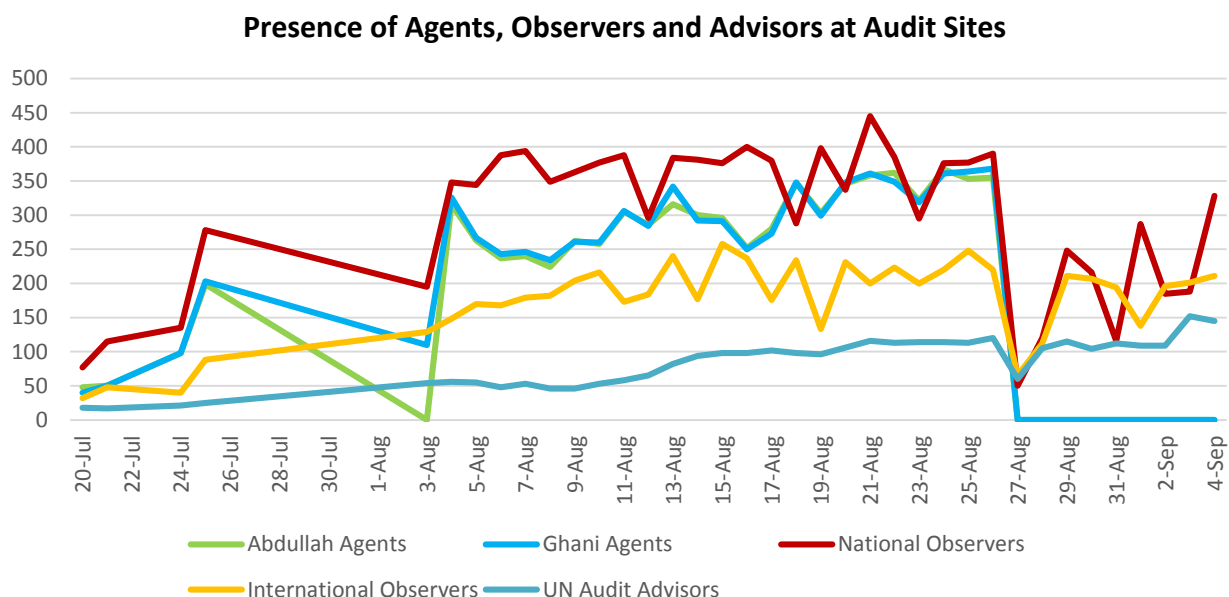
**3.1.d: Number of participants reached through indirect public outreach activities**

Exact outreach figures are not known, but earlier radio and TV estimates indicate up to 12 million listeners on those stations, and several hundred thousand viewers on the respective TV channels.

### 3.2 External Relations

#### Accreditation and Observation

A key objective in conducting the audit was the inclusive process with candidate representatives and domestic and international observers. In order to ensure adequate, consistent, and balanced representation at every stage of the audit, ELECT II assisted the IEC with the accreditation of 1,165 candidate agents (665 candidates of Dr. Abdullah Abdullah and 500 agents of Dr. Ashraf Ghani Ahmadzai); 338 national observers; and 736 international observers.



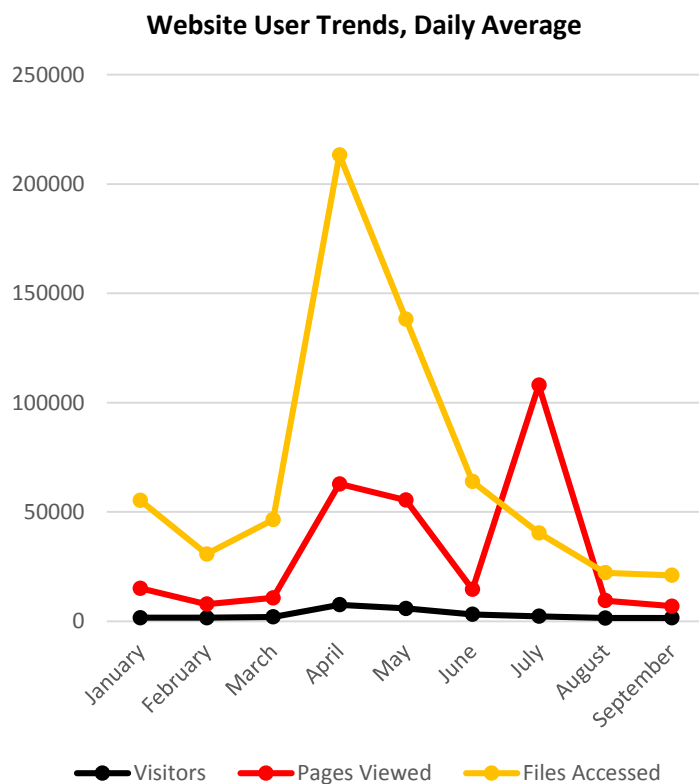
International observers were initially deployed from existing election assessment and observer teams in the country, such as EU EAT and OSCE/ODIHR, as well as representatives from different embassies. In a swift response, the EU EAT increased its numbers of international audit observers significantly, while also DI, NDI and Creative Associates deployed in total some hundred observers.

National organizations including the Afghan Independent Human Rights Commission (AIHRC); Transparent Election Forum of Afghanistan (TEFA); Free and Fair Elections Foundation of Afghanistan (FEFA); Afghan Youth National and Social Organization (AYNSO); Election Watch Afghanistan (EWA); Afghan Civil Society Election Network (ACSEN); Afghan Analysts' Network (AAN); and Afghanistan National Participation Organization (ANPO) supported the audit process – even throughout the Holy Month of Ramadan, when working conditions were particularly arduous.

Both presidential candidates were on average equally represented at audit sites; and observers consistently outnumbered agents of either candidate.

## IEC Website and Social Media

The IEC website<sup>3</sup> was a critical medium for information-sharing during the audit exercise. Numerous fact sheets, news releases, relevant national laws, official procedures, regulations and IEC decisions were published on the website to provide the latest information or clarification of the process.



From 1 July to 12 September, the IEC received an average of 37,342 hits from 1,765 visitors per day; and 27,894 files opened – an average of 21 hits and 16 files opened by every visitor to the site. The IEC also made use of social media, including Facebook and YouTube, as a way to share photographs, latest news and links to the same election messages being aired on television.

## Media

Media organisations were critical in demonstrating openness and transparency. On the commencement of the audit process, IEC Chairman Ahmad Yusuf Nuristani held a joint press conference with the Director of the Electoral Assistance Division at the UN Department of Political Affairs, Craig Jenness. Media organisations were allowed to capture the ballot audit process. Furthermore, all decision-making sessions were open to media, in addition to observers and agents<sup>4</sup>. The IEC Spokesperson provided daily media briefings, providing the most recent audit, data-entry, and decision-making figures, and responded to queries.

## Observer and other key partners facilitation

The IEC circulated daily audit updates, provided ad hoc observer briefings, and also organized key events, such as press conferences or special meetings in the commencement of the audit, the ballot movement, data-entry, decision-making, and the projection of checklist forms during decision-making sessions.

<sup>3</sup> [www.iec.org.af/](http://www.iec.org.af/)

<sup>4</sup> Although this had been the case, after the withdrawal of agents from the audit process, they did not attend decision-making sessions.

### **Indicators External Relations:**

*3.2.a: number of consultative dialogues, including and across the country, that take place with all key stakeholders on relevant electoral issues and plans*

*Throughout the entire audit process, together with UN facilitation, the IEC held daily meetings with the electoral teams of both presidential candidates to ensure co-ordination and co-operation throughout the audit process and to gain consent on procedures and regulations.*

*3.2.b: number of consultative dialogues that include gender elements*

NA during Q3 2014

*3.2.c: number of consultative dialogues with women groups on a wide range of electoral issues and processes*

NA during Q3 2014

### **3.3 Candidate Registration**

*Indicator 3.3.a: establishment of vetting mechanism and procedures in advance of the launch of the candidate nomination process.*

NA in Q3 2014

*Indicator 3.3.b: Percentage of provincial IEC offices that are ready in a timely manner to roll out the candidate nomination process on the agreed date*

NA in Q3 2014

### **3.4 Gender mainstreaming and women's outreach**

(see Gender section)

## EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 1,213,290 was spent for output 3. In addition, 214,968 from USAID funding (separate budget line 9) contributed to output 3 achievements. For more details, please see Annex 2. Below is a snapshot of where ELECT II is in relation to its annual targets

Table 3: Progress Update Q3 2014 Output 3

BASELINE	2014 ANNUAL TARGETS	Q3 Actual	Comments
<p>Baseline 3.1.a-d: Survey and Stakeholder Assessment along with secondary data obtained from external stakeholder data (i.e., Asia Foundation Survey, Democracy International Survey, and Altai's Media Landscape Study); Previous POD mechanisms; and quality of targeted messages and materials</p>	<p>3.1.a: (2014) the following public outreach approaches developed and implemented by the IEC: A. indirect: radio/TV PSA messages, radio drama, SMS, billboards &amp; pole signs; B. deployment civic/voter educators (documentary/printed materials); mobile theatres, provincial and districts consultations, Call Centre.</p> <p>3.1.b: (2014) at least 1 radio/TV PSA for women, at least 1 group of billboards/pole signs targeting women; at least 1 round of provincial consultations; mobile theatres include women participation component.</p> <p>3.1.c: (2014) Call Centre: 1 million calls (starting from 2013); Civic educators: approx. 2.3 million people (40 people/day*36 days (7weeks)*1590 educators) ; Provincial consultations: 20,400</p>	<p>3.1.a: In Q3 2014, the IEC developed and broadcast two TV PSAs to thank the voters and to explain the audit process. Furthermore, people with queries about the audit process could call 24/7 from 7 a.m. to 8 p.m. the IEC voter information Call Centre.</p> <p>3.1.b: 25% of all IEC Call Centre operators are women, lowering the barrier for female callers</p> <p>3.1.c: 115,441 people, of whom circa 13% were women, called the IEC Call Centre with queries about the audit process.</p>	<p>On track</p>



	<p>people (2 per province, average of at least 300 per meeting); District consultations: 20,000 people (at least 50% districts (depending security), 100 people per district). Mobile theatres: 15,000 people (2*34 provinces, 200 people).</p> <p>3.1.d. (2014) at least 2.5 million people reached out to by TV and <u>15 million</u> by radio PSA, and <u>9 million</u> by polling day SMS; 850 billboards and 10,000+ pole signs.</p>	<p>3.1.d: Exact outreach figures not known. Earlier radio and TV estimates indicate up to 12 million listeners on those stations and several hundred thousand viewers on the respective TV channels.</p>	
<p>Baseline 3.2: zero – stakeholder interactions were in the past neither always systematically structured not consultative.</p>	<p>3.2.a: (2014) At least 10 consultative stakeholder meetings a year with all relevant partners, take place in Kabul and at all the regional centres (depending on the security).</p> <p>3.2.b. (2014) At least half of all the consultative stakeholder meetings include a gender component</p> <p>3.2.c. (2014) At least 4 stakeholder meetings on annual basis with women groups</p>	<p>3.2.a: Throughout the entire audit process, together with UN facilitation, the IEC held daily meetings with the electoral teams of both presidential candidates to ensure cooperation of the audit conduct and to achieve consent on procedures and regulations.</p> <p>3.2.b: NA during Q3 2014</p> <p>3.2.c: NA during Q3 2014</p>	<p>On track</p>
<p>Baseline 3.3.a: NA</p> <p>Baseline 3.3.b: NA</p>	<p>3.3.: (2014) All provincial IEC offices (100%) are ready to roll out the candidate nomination</p>	<p>3.3 NA</p>	<p>NA</p>

	process according to the timeline for the 2015 elections		
<p>Baseline 3.4.a: April 2013: a. fixed term staff+ long-term temporary staff: a-b) 57 women over 423 men (11%); 2010 elections: c) no baseline data found; d) civic educators 31% women (besides 7% Kuchis); DFC 19% (besides 6% Kuchis); g, h, i) no baseline data found.</p> <p>Baseline 3.4.b.: no gender strategy in place</p> <p>Baseline 3.4.c:</p>	<p>3.4.a: No new significant openings fixed staff/long-term temporary staff -&gt; Civil Service reform in 2015.</p> <ul style="list-style-type: none"> <li>- recruitment of all temporary elections staff: at least 35% gender balance</li> </ul> <p>3.4.b</p> <ul style="list-style-type: none"> <li>- Implementation of Gender Strategy for 2014 elections;</li> <li>- comprehensive gender components in Training of Trainers for IEC elections staff ;</li> <li>- Develop and distribution VR gender leaflets</li> </ul> <p>3.4.c</p> <ul style="list-style-type: none"> <li>- establishment Gender Elections Co-ordination group that meets at least 10 times a year;</li> <li>- women elections engagement consultations (34) with community leaders, mullahs, women networks and other groups and individuals in all provinces,</li> <li>- VR + elections lessons learned seminars regarding gender issues during VR and elections (2*34 provinces + 1 national seminar in Kabul)</li> </ul>	3.4 NA in Q3 2014	In progress

## **OUTPUT 4: The IEC's operational management functions and the project support services are provided in a transparent, efficient and effective manner**

### **4.1 IEC's Operational functions**

*Indicator 4.1: the auditor's opinion on the IEC's operational management*

*NA in Q3 2014*

### **4.2 ELECT II project resources management**

*Indicator 4.2: the extent to which the project itself is efficiently and effectively managed*

*a) in terms of transparency: auditor's opinion;*

*NA in Q3 2014*

*b) delivery rate*

*\$119m (81%) of \$147million had been spent by the end of the reporting period.*

*c) percentage of project outputs according to work plan (delivery rates):*

*Output 1: 62 %*

*Output 2: 71 %*

*Output 3: 66%*

*Output 4: 69%*

*Output 5: 77%*

*Output 6: 14%*

*Output 7: 76%*

*d) the number of regular and documented project board meetings;*

*No ELECT II project board meeting in Q3 2014 given audit priority. Donor partners were kept informed through both high-level and technical level UNAMA convened meetings – assisted by ELECT II - with international stakeholders. ELECT II further assisted the IEC with the development of daily audit updates for key international stakeholders*

*e) quality of payments to the IEC*

*All IEC payments certified by ELECT II finance team according to UNDP regulations and in line with UNDP-IEC agreement.*

From the beginning of the year, the system of payments through National Implementation Modality (NIM) advances has been instituted, whereby funds are advanced into the IEC Bank Account as authorized by the Ministry of Finance. Before any new advance request is entertained, 80% reconciliation is mandatory for the previous advances. Furthermore, audits are regularly conducted. For 2013 the NIM Audit provided a satisfactory report. In addition, the UNDP Country Office also carries out due diligence: all payments more than USD 30,000 are reviewed and must be approved by the Country Office. A payroll verification exercise is also planned for the last quarter to further strengthen the oversight of IEC finances.

### 4.3 ELECT II direct election operations support

*Indicator 4.3: Quality and timeliness of support services for electoral activities.*

ELECT II and UNAMA aircraft performed 85 flights retrieving ballot boxes from seven provinces to Kabul.

ELECT II translation unit, assisted by other ELECT II national staff members, assisted the project with translation and interpretation services during the audit process.

#### EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 2,243,847 was spent for output 4. In addition, 30,524 from Japanese funding (separate budget line 7) and 1,174,486 from USAID funding (separate budget line 9) contributed to output 4 achievements. For more details, please see Annex 2. Below is a snapshot of where ELECT II is in relation to its annual targets.

Table 4: Progress Update Q3 2014 Output 4

BASELINE	2014 ANNUAL TARGETS	Q3 Actual	Comments
Baseline 4.1: IEC Unqualified auditor report	4.1. The IEC has an unqualified audit report	4.1: NA in Q3 2014	On track
Baseline 4.2: a) qualified project audit report b) 2013: 90% budget execution c) 80% M&E compliance d) 1 PBM/quarter e) NA d)	4.2. a) unqualified project audit report rating; b) at least 80% project budget execution; c) 100% compliance with monitoring, evaluation and reporting plans; d) minimum of quarterly documented project board meetings (including virtual PBs); e) certification of payments to the IEC.	4.2 ELECT II project resources management Indicator 4.2: the extent to which the project itself is efficiently and effectively managed a) in terms of transparency: auditor's opinion; NA in Q3 2014; b) delivery rate: NA in Q3 2014; c) percentage of project outputs according to work plan: NA in Q3 2014; d) the number of regular and documented project board meetings: No ELECT II project board meeting in Q3 2014 given audit priority; e) quality of payments to the IEC: All IEC payments certified by ELECT II finance team according to UNDP regulations and in line with UNDP-IEC agreement.	On track
NA	4.3 support services for electoral activities ( 2014 elections; preparations 2015 elections) is provided in a timely and qualitative manner	4.3 ELECT II direct operations support Indicator 4.3: Quality and timeliness of support services for electoral activities: ELECT II and UNAMA aircraft performed 85 flights retrieving ballot boxes from the provinces to Kabul. ELECT II translation unit, assisted by other ELECT II national staff members, assisted the project with translation and interpretation services during the audit process.	On track

## **OUTPUT 5: The conduct of polling, counting and results management operations by the IEC is improved**

Output 5 comprises ELECT II's direct electoral assistance role, and in this respect, during quarter three, most of the audit operations could be captured under this output. Neither the scale nor the scope of the comprehensive audit process were initially foreseen by the project. As the UN was asked to play a much more prominent role in the electoral process at the explicit request of the candidates and the Afghan authorities, ELECT II's traditional role to 'assist the IEC with Afghan-led and Afghan managed elections' was extended to supervising the audit process and providing technical advisory support to the IEC in terms of policy, procedures and guidelines. The IEC remained to be ultimately responsible for regulating all aspects of the electoral process within its purview and for overseeing the operations of its secretariat and provincial offices.

### **5.1. Electoral Operations**

***Indicator 5.1: the success of the conduct of the 2014 and 2015 elections, measured by qualitative assessment in observer reports; and by statistical reporting and procedural and administrative error reduction***

**Observer Statements:** Comprehensive statements and observation reports of the major international observation organizations such as the EU EAT, NDI, DI, Creative Associates and the OSCE/ODIHR are expected to be published in Q4 2014. In a preliminary press release, circulated after the signing of a political agreement with both presidential contenders on 21 September, the EU EAT welcomed the political outcome but regretted that no precise results figures were yet published and qualified the audit process as "unsatisfactory". The EU EAT concluded "that, even after the full audit, questions remained on the electoral process and on the final outcome, in particular as the audit failed to bring full clarity on final results".

Also in a preliminary press release, the observers group National Democratic Institute (NDI) welcomed on 24 September the conclusion of the presidential elections and the political agreement. The NDI underscored the need for a "thorough inquiry into the vulnerabilities that allowed high levels of fraud to take place, and the identification and prosecution of those responsible for it." It also state that "while electoral fraud as well as certain problems in the audit process make it impossible for any official results to precisely reflect the votes cast, evidence was not unveiled that would cause the outcome to be reversed".

**ELECT II role:** Despite the multiple challenges and the unprecedented nature of the audit supervision, initially not foreseen in the ELECT II project document, the project undertook a lead role amongst international partners to ensure the best process possible given the unique circumstances. The electoral audit was conducted in a manner that accommodated the

concerns of the main actors whilst simultaneously adhering to applicable international principles.

The UN supervision was essentially carried out by ELECT II technical advisors, with the support of UNDP experts from other country offices and other UN missions, and by sourcing independent electoral experts. UNDP mobilized a total of 128 electoral experts, augmented by 25 UNAMA advisors. Many of these advisors, including five Chief Electoral Advisors (CTAs), came directly from UN election projects in countries including Botswana, Columbia, the Democratic Republic of Congo, Egypt, Guyana, Haiti, Iraq, Kosovo, Lebanon, Libya, Madagascar, Mali, Mexico, Moldova, Mongolia, Nepal, Pakistan, Romania, the Solomon Islands, Thailand and Yemen. At the height of the process, 150 IEC audit stations were continuously supervised from 7 a.m. until 8 p.m. To strengthen the regulatory framework, UNDP and EAD deployed senior electoral experts who, together with ELECT II advisors and UNAMA specialists, assisted the IEC with the development of criteria and procedures on audit, recount and invalidation criteria, and procedures. In addition, under the guidance of the SRSB and in close co-ordination with UNAMA, ELECT II advisors constantly consulted with the candidates' electoral teams to ensure co-operation.

From 17 August to 4 September, regular (and often daily) meetings were held by an Audit Management Committee, a small team of senior representatives of the IEC, UN, and both campaign teams. This allowed participants to observe implementation; note any issues that were not addressed in the procedures; and to find practical solutions to technical, logistical and security-related challenges. As a result of these discussions, several substantive improvements were implemented.

Together with the IEC, ELECT II coordinated, with the assistance of the International Security Assistance Force (ISAF), the massive and timely retrieval of all 22,828 ballot boxes from the IEC's provincial offices to Kabul. As part of the agreement between the presidential candidates, the movement of all ballot boxes took place under international security escort. While ISAF took responsibility for road movements and large-scale air transport, ELECT II and UNAMA aircraft performed 85 flights retrieving ballot boxes from the provinces to Kabul. IEC staff retained custody of the materials at all times, while candidate agents (one from each candidate) accompanied and observed every movement from warehouses to IEC HQ.

Furthermore, ELECT II took up a lead role in co-ordination of the tight security enhancement measures at the IEC premises. The audit process was given a high threat assessment given its importance, visibility, and the more than 1,000 national and international observers visiting on a daily basis for almost two months the IEC's HQ compound. ELECT II security experts, together with colleagues from UNDP, UNAMA and the UNDSS worked closely together with the IEC Security Unit, ANSF, and ISAF to enhance the IEC's internal and external security. ISAF maintained a 24/7 presence at the compound, while IEC security guards and police forces were also deployed.

ELECT II sought to ensure that all IEC audit processes and procedures were consistent with key international principles of electoral management, notably impartiality, integrity, transparency, and professionalism.

ELECT II assisted the IEC with devising the audit procedures and to refining them as the audit progressed. Audits performed by the IEC intended to evaluate the process and procedures used during polling and counting in order to ascertain if there were any evidence of errors, malpractice, fraud or tampering with the ballot boxes and forms associated with the polling and counting.<sup>5</sup> IEC staff were obliged to examine documents, reports, forms and ballot boxes to determine if the procedures and processes have been correctly applied and followed. The audit served to detect fraud and manipulation where it occurred, and sought to quantify it in order to achieve an alignment of the final result with the actual will of the voters as closely as possible.

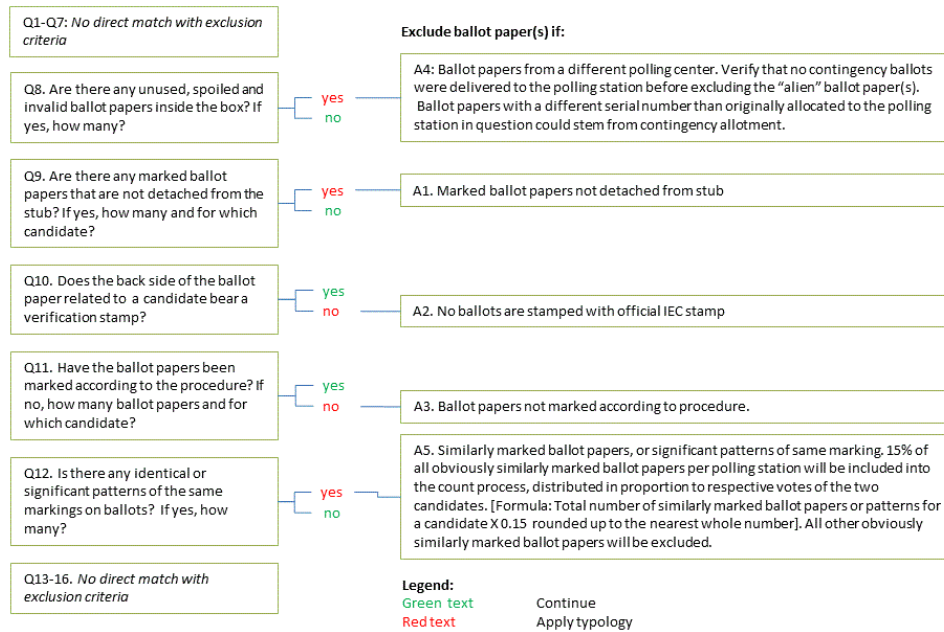
The process followed for the audit flowed from an IEC decision outlining criteria for exclusion of ballots and ballot boxes, accompanying procedures, and an agreed 11-point IEC checklist supplemented by five UN recommendations developed from best international standards. The robust 16-point checklist involved the inspection of the physical condition of each box, looking for evidence of tampering with its results form, checking whether ballot papers in each box were marked according to procedure or show significant patterns of obviously similar markings, and gathering relevant information from the polling station journal and polling station voter log. Depending on the findings from this initial inspection, the audit of a sample of the ballots from a particular box could graduate into a full recount of every single ballot in the box; for instance if more than two seals were broken on a box that provided grounds for initiating a recount.

The data entered on to each checklist was matched with the invalidation and recount criteria decided by the commission. They are represented below showing how the typologies were derived from questions on the checklist:

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<sup>5</sup> "Independent Election Commission, Audit and Recount Procedure 2014 Presidential Run-off Elections" (v8), as amended by "Audit Procedures Clarifications" and "Procedural Clarifications for Special Cases"





**Figure 1: Typology, 5 Reasons for Excluding Ballot Papers**



Figure 2: Typology, 27 Reasons for Excluding Complete Ballot Boxes

The audit comprised two separate steps, namely 'audit' and 'recount'. The ballot boxes were divided into two groups. In the first, general category, ballot boxes were submitted to an audit, during which certain indicators triggered a recount. In the second, special category, selected ballot boxes were subjected to an automatic recount. During the recount, the question of which ballot papers in the boxes should be considered valid and which ones should be set aside as invalid, was determined. The final legally binding determination of excluding such ballots from the final tally, was done only by the IEC according to the relevant legal provisions and procedures. The decision by the audit team and the recommendation by the UN Audit Advisor to set aside ballots as not having been cast in compliance with the laws and electoral procedures, did not in itself invalidate the ballots in question. Likewise, invalidation of the entire ballot box was only determined by the Commission in an open session after the physical audit was completed all relevant data collected.

### **Key Challenges**

**Limits of Joint Oversight by Candidates.** The close involvement of both contenders' campaigns in the audit process was designed to ensure transparency and ultimately acceptance of the final result. In most cases, this process worked. However, throughout the process occasions of tension occurred where some representatives of candidates' campaign teams exhibited strong reactions and difficulties with accepting conclusions. Throughout, there were instances of candidate agents taking strident disagreement to its limit, at times employing intimidation and coercion of IEC or UN staff with the goal of generating a result they found acceptable. If not satisfied with the result, individuals would withhold signature of the audit checklists - signatures intended to show that the agent was present, not that s/he agreed. Finally, there were several instances where hot tempers resulted in violence, and representatives were removed from the IEC. On 25 August, the representatives of Dr. Abdullah Abdullah decided not to participate anymore in the audit process. To preserve the concept of impartiality, the UN requested the campaign team of Dr. Ashraf Ghani Ahmadzai to also withdraw from the joint oversight of the audit. The participation of domestic and international observers as well as UN supervisors was enhanced to monitor the IEC auditing process until its completion on 4 September.

**Invalidation Criteria.** Following ten days of consultations with the two campaigns and the IEC, the UN also proposed a comprehensive set of criteria whereby the information gathered from the audit checklist could be used by the IEC to order the invalidation of ballots. This UN proposal sought to strike the difficult balance between excising electoral fraud while preserving the sanctity of legitimate votes. The UN proposal was adopted by the IEC as Decision No. 33 on 31 July. While the existing IEC regulations foresaw four criteria for invalidating individual ballots or entire ballot boxes, the new IEC Decision No. 33 contained thirteen bases for invalidating individual ballots or ballot boxes.

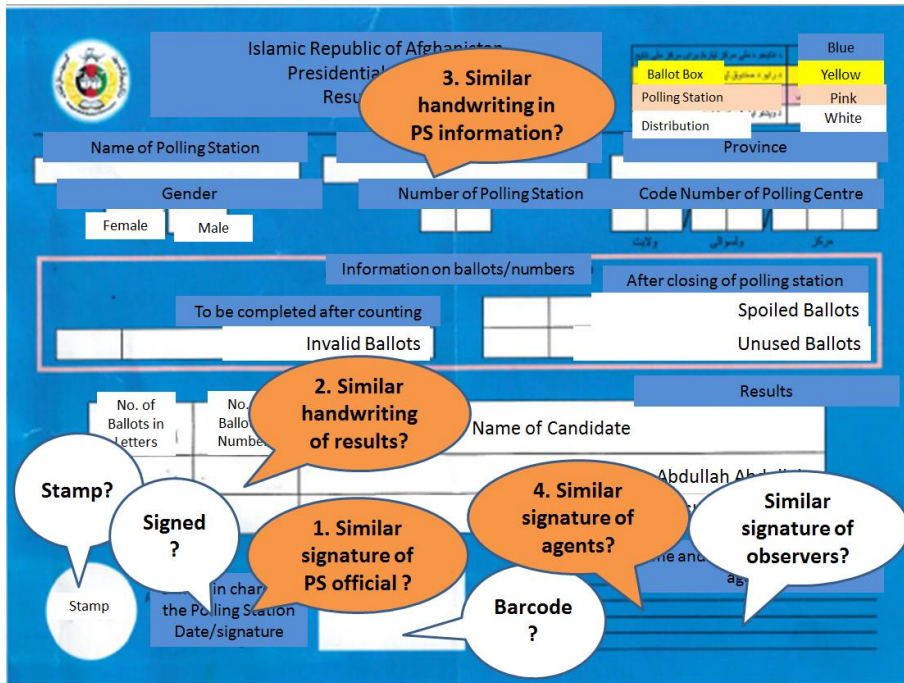
The UN was committed to assist the IEC with improving procedures as the audit progressed. For example, on 17 August the UN helped to clarify guidelines for dealing with similarly marked ballots and identifying improbable sequences of voter ID card numbers in voter logs.

**Joint Oversight & Dispute Resolution.** As stated above, one of the premises of the audit process was full agreement and oversight by candidates' campaigns, an agreement which empowered agents to intervene assertively when they disagreed with auditors' findings. A multi-tiered procedure emerged to arrive at decisions following disagreement. Following the assessment of the audit team, if one or both of the candidate agents did not agree, the two agents discussed the issue. If no agreement emerged, the issue was referred to their respective team leaders for discussion. If the team leaders did not agree, then the respective supervisors would discuss the issue. If ultimately no agreement was reached between the supervisors, the UN advisor gave his or her recommendation, which was considered to be the final opinion and recorded on the checklist. This disposed of the issue and the audit team continued with their work.

**Special Scrutiny.** Perhaps the most prominent illustration of the joint responsibility given to the two presidential campaigns for the design of the audit relates to the unique "special scrutiny" provision of the 12 July Agreement. This provision allows the candidates to request enhanced scrutiny of ballot boxes that registered certain types of results. The intent of this procedure is to promote further confidence in the outcome of the audit by allowing each candidate to request the automatic full recount of the results of polling station boxes about which they have the greatest concerns of possible fraud. Under this provision each candidate had the right to nominate up to 3,000 ballot boxes for special scrutiny. The most experienced IEC and UN staff were selected to recount these boxes.

**Evaluating similarly-marked ballots (SMBs).** The most serious type of irregularity seen over the course of the audit was ballot box stuffing, identified primarily through the presence of significant numbers of similarly-marked ballots within individual ballot boxes. Specific rules on valid and invalid ballot markings featuring "identical or significant patterns of the same markings" (the wording in the checklist) were developed by the IEC and shared with the IEC staff, candidate agents, UN audit teams and observers. The exact quantities of ballots that were similarly marked, however, were frequently contested between the two camps. On these occasions, following the informal dispute resolution procedure outlined above, IEC auditors were obliged to determine whether ten or more ballots cast for a particular candidate had identical or significant patterns of same markings. If the determination was contested, UN advisors were called upon to provide advice on individual ballots with questionable markings differing from the standard checkmark, so as to include or exclude them from the recount tally. Though the threshold for SMBs was developed during the audit, the final threshold for triggering a recount was 20 ballots to be comprised from two groups of 10 or more SMBs.

In order not to exclude ballots that would have been marked by polling station chairpersons or family members, a total of 15% of all ballot papers with identical or significant patterns of same



markings per candidate were included in the valid vote count for individual ballot boxes (in accordance with IEC audit criteria).

It could be reasonably assumed that most voters indeed made their markings in the form of checkmarks, as they are instructed to do on the ballot itself and through voter education materials. Common sense suggested and empirical observation showed that communities in urban settings, where access to such materials and the general level of literacy are higher, the occurrence of markings in the form of regular checkmarks is higher. In rural settings with much lower literacy the frequency of checkmarks tends to be lower, and voters using a whole variety of other marking such as dots, lines, circles, crosses, scribbles, squiggles, swooshes, zig-zags, scribbles, splotches, blotches, curves, curls, letters and numbers. In all probability, voters not using a checkmark were likely to use a wide range of random alternative markings (deviations from the standard) that in themselves were likely to be rather uncommon. The very frequent occurrence of a highly unusual type of design in one particular polling station, combined with other important characteristics such as pen-type, pressure and other design characteristics, was a strong indicator for possible fraud. If it could not be otherwise reasonably explained such an occurrence should have served as evidence for disqualifying ballots on the basis of the existence of a significant pattern of same markings.

### **Evaluating similarly-marked results sheet forms (SMRFs).**

On 30 August, Dr. Abdullah Abdullah's campaign team officially filed a letter detailing their concerns about the detection of similar marked ballots and other irregularities that did not fall under the scope of the audit criteria. When passing on Dr. Abdullah Abdullah's letter regarding the claim of similar signed result forms to the IEC, the UN decided to establish a special team of international experts to assist the IEC in auditing ballot boxes with similar signed result forms. The team of Dr. Ashraf Ghani Ahmadzai was provided the opportunity to provide cases

with a similar claim. On 7 September, in the presence of observers and supervised by the UN, the IEC commenced the audit process of polling stations with similar signed results forms.

The graphic below shows the different aspects the UN audit expert team looked into to identify and audit similarly signed results forms across polling stations.

### **Data Entry and Audit Decisions**

Commissioners made their decisions after having reviewed all audit findings, as recorded on the audit checklist form, and guided by IEC Decision 33-1393 - which articulates the specific set of criteria to which both Presidential candidates agreed, when they initiated the audit.

In order to ensure that the decisions of IEC Commissioners are consistent and impartial, ELECT II designed for the IEC custom software for use at the National Tally Centre. This software consolidated audit findings – namely responses to questions that may only be answered with ‘yes’ or ‘no’ – and indicate, according to a specific formula, which ballot boxes should be invalidated or partially-invalidated, according to the agreed criteria<sup>6</sup>. Each day, from 15 August until 14 September, data from every completed audit checklist form was entered into the national tally database, with a view to producing an objective rationale for decision-making.

Polling station results were grouped, according to findings and detailed in reports, which served as the basis for decision-making sessions. Before presenting these reports to Commissioners, ELECT II electoral experts compared the computer-generated reports to actual checklists, to identify any potential discrepancies or note any cause for further investigation. Prior to their decision-making sessions, Commissioners received computer-generated reports, as well as UN recommendations. In addition, Commissioners could – if they felt it necessary – examine individual audit checklist forms for further clarification. Commission decisions resulted in categorization of polling stations results, according to four categories:

Commission decisions were made, according to the four categories:

- Ballot boxes with no irregularities (and therefore valid);
- Ballot boxes with irregularities meriting invalidation (and therefore invalid);
- Ballot boxes with irregularities meriting recount (and therefore requiring entry of the results of the recount as conducted in the warehouse); and
- Ballot boxes requiring further review.

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<sup>6</sup> <http://www.iec.org.af/pdf/decisions-1393/eng/37.pdf>

## 5.2 Results management

***Indicator 5.2: the quality of the results management strategy and the extent to which the results management implementation adheres to the strategy.***

On 7 July, the IEC released the preliminary results of the second presidential round, which reflected the above audits and which placed Dr. Ashraf Ghani Ahmadzai in the lead with 56.44% of votes, ahead of Dr. Abdullah Abdullah with 43.56% of votes, on a total voter turnout of 8,109,493. The IEC placed the results on its website. Although the IEC initially considered releasing the preliminary results in three phases according to 30%, 70% and 100% of the results, this plan was ultimately dropped. The preliminary results were contested by Dr. Abdullah Abdullah, who already withdrew his support to the electoral process earlier after allegations of fraud.

During the audit process, as part of the framework, the IEC held from 25 August to 14 September nine open sessions regarding the decision-making of the audit results. These decision-making sessions were structured as follows:

**1. 25 August:** The IEC Commissioners started to make its first decisions on audited ballot boxes. In the first of their decision-making sessions, IEC members made decisions on the status of ballots cast at 3,645 (16% of the total) polling stations from across the country. Based on evidence collected during the audit process and in accord with IEC Decision 33-1393, the Commission confirmed the following polling station results: 2,876 valid; 72 invalid; 697 Recounted (with new result sheet).

**2. 27 August:** The IEC held its second decision-making session in an open meeting. After having reviewed evidence collected during the audit process, the IEC Commissioners:

- Confirmed the validity of results from 1,853 standard polling stations
- Approved the recount of results from 498 standard polling stations
- Confirmed the need for closer investigation of 85 standard polling stations, and deferred decision-making on these particular cases, accordingly
- Approved the invalidation of results from 64 standard polling stations.
- Approved the invalidation of results from 11 special scrutiny cases
- Approved the recount of results from 263 special scrutiny cases
- Confirmed the need for closer investigation of 226 special cases, and deferred decision-making on these particular cases.

**3. 28 August:** The IEC conducted its third decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:

- validation of results from 1,807 polling stations



- invalidation of results from 69 polling stations
- partial-invalidation (recount) of results from 628 polling stations.

The Commissioners confirmed the need for closer investigation of 496 polling stations, and deferred decision-making on these particular cases, accordingly.

**4. 31 August:** The IEC conducted its fourth decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:

- Validation of results from 1,837 all standard polling stations
- Invalidation of results from 236 polling stations (of which 191 were standard audit cases and 45 were special scrutiny cases)
- Partial-invalidation (recount) of results from 2,165 polling stations (of which 915 were standard audit cases and 1,250 were special scrutiny cases)

Commissioners also confirmed the need for closer investigation of 762 polling stations (of which 514 were standard audit cases and 248 were cases of special scrutiny).

**5. 2 September:** The IEC conducted its fifth decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:

- Validation of results from 520 polling stations (all of which were standard audit cases)
- Invalidation of results from 50 polling stations (of which 37 were standard audit cases and 13 were special scrutiny cases)
- Partial-invalidation (recount) of results from 1,070 polling stations (of which 287 were standard audit cases and 783 were special scrutiny cases)

Commissioners also confirmed the need for closer investigation of 360 polling stations (of which 256 were standard audit cases and 104 were cases of special scrutiny).

**6. 4 September:** The IEC conducted its sixth decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:

- Validation of results from 562 polling stations (all of which were standard audit cases)
- Invalidation of results from 72 polling stations (of which 48 were standard audit cases and 24 were special scrutiny cases)
- Partial-invalidation (recount) of results from 1,133 polling stations (of which 344 were standard audit cases and 789 were special scrutiny cases)

Commissioners also confirmed the need for closer investigation of 233 polling stations (of which 146 were standard audit cases and 87 were cases of special scrutiny).

**7. 8 September:** The IEC conducted its seventh decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:



- Validation of results from 279 all standard polling stations
- Invalidation of results from 94 polling stations (of which 41 were standard audit cases and 53 were special scrutiny cases)
- Partial-invalidation (recount) of results from 1,703 polling stations (of which 259 were standard audit cases and 1,444 were special scrutiny cases)

**8. 12 September:** The IEC conducted its eighth decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:

- Validation of results from 1,459 polling stations
- Invalidation of results from 95 polling stations
- Partial-invalidation (recount) of results from 2,304 polling stations
- Commissioners also confirmed the need for closer investigation of 405 polling stations

**9. 14 September:** The IEC conducted its ninth and final decision-making session on audit results of ballots, in the presence of national and international observers, UN advisors and media. In accordance with criteria detailed in IEC Decision 33-1393, the decisions led to:

- Validation of results from 44 polling stations;
- Invalidation of results from 276 polling stations; and
- Partial-invalidation (recount) of results from 85 polling stations.

Furthermore, the IEC invalidated 78 polling stations out of the 69 district cases in total submitted by both candidates as suspicious 'Similar Signed Result Forms' consisting of 1,683 polling stations.

With the ninth open session, the IEC concluded adjudication of the audit results. All decisions are reported in detail on the IEC website: <http://www.iec.org.af/runoff-audit>.

On 21 September, Afghanistan's rival presidential candidates ended six months of political deadlock by signing a power-sharing agreement that paved the way for the installation of a new president. The IEC declared that Dr. Ashraf Ghani Ahmadzai was the winner of the election. As part of the agreement, the IEC has provided both presidential contenders the details of the audit results.

The results of the provincial council elections are expected to be released in October, as both the IEC and the IECC gave priority to the audit process of the presidential run-off results.

### 5.3 Polling centre verification

***Indicator 5.3.a: percentage of polling centres physically verified and with GIS mapped***

*NA in Q3 2014*

***Indicator 5.3.b: the extent to which the IEC is engaged in the government boundary delimitation policy***

*NA in Q3 2014*

98.5% of all polling centre locations mapped with GIS codes. Remaining 1.5% GIS mapping of polling centres faces difficulties due to incomplete or conflicting data. Further process also depending on Afghan Geodesy and Cartography Head Office (AGCHO) data.

Discussion and consultations with respective government agencies on district boundaries have to be initiated after the presidential/provincial council elections, in order enable possible district council elections in 2015.

## EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 8,283,470 was spent for output 5. In addition, 2,455,686 from Japanese funding (separate budget line 7) and 7,850,718 from USAID funding (separate budget line 9) contributed to output 5 achievements. For more details, please see Annex 2. Below is a snapshot of where ELECT II is in relation to its annual targets.

Table 5: Progress Update Q3 2014 Output 5

BASELINE	2014 ANNUAL TARGETS	Q3 Actual	Comments
<p>Baseline: Baseline 5.1: qualitative statements in the observer reports of the 2009 presidential and 2010 parliamentary elections, respectively (Baseline: 2009 EU and OSCE reports)</p>	<p>5.1: (2014) improved statistical reporting and procedural and administrative error reduction measured, as well as qualitative statements in observer reports, which indicate the successful conduct of elections, acceptable to the Afghan electorate, aiming to achieve transition of political power.</p>	<p>Comprehensive observer statements on both electoral rounds as well as the audit process are expected to be published in Q4 2014. In a preliminary press release, on 21 September, the EU EAT welcomed the political outcome but regretted that no precise results figures were yet published and qualified the audit process as “unsatisfactory”. “The EU EAT concluded “that, even after the full audit, questions remained on the electoral process and on the final outcome, in particular as the audit failed to bring full clarity on final results”. Likewise in a preliminary press release, the observers group National Democratic Institute (NDI) welcomed on 24 September the conclusion of the presidential elections and the political agreement. The NDI underscored the need for a “thorough inquiry into the vulnerabilities that allowed high levels of fraud to take place, and the identification and prosecution of those responsible for it.” It also state that “while electoral fraud as well as certain problems in the audit process make it impossible for</p>	<p>On track</p>

		any official results to precisely reflect the votes cast, evidence was not unveiled that would cause the outcome to be reversed".	
Baseline 5.2: poor result management strategy during 2009 and 2010 elections. (BASELINE: OSCE 2009: Observer reports indicate sub-optimal transparency and release of results at HQ (OSCE) -BASELINE: 2009 EU report: The sensitiveness of this <a href="#">[Results Release]</a> process was not matched by a commensurate level of transparency and accountability in the IEC decision-making.)	5.2: (2014) implementation of a results management strategy that includes proper results certification and communication mechanisms to release partial, temporary and certified/uncertified results after the Presidential and Provincial Council elections	9 Open Sessions on Audit Decisions. On 26 September, the IEC presented President Elect Dr. Ashraf Ghani Ahmadzai with the winner certificate and informed that he had received after audit and adjudication of complaints 55.27% of out of the total of 7,120,585 valid ballots cast, after audit, recount and complaints adjudication. As per the Political Agreement, details of the audit results were shared with both presidential contenders. Publication of detailed results, including provincial council results, will be published in Q4 2014.	On track
Baseline 5.3.a: Physical verification of 6,845 polling centres identified (2011) - zero mapped before 2012, 98.5% in 2013 Baseline 5.3.b: No official district boundaries established	5.3.a: (2014) establishment of a co-ordination mechanism with IDLG and AGCHO on electoral boundary delimitation, for possible 2015 district council elections	NA in Q3 2014	On track

## **OUTPUT 6: The electoral dispute resolution mechanisms of the electoral process are enhanced**

### **6.1 Support to the Independent Electoral Complaints Commission (IECC)**

During the audit process, both IFES and UNOPS were closely involved in assisting the IECC to manage the complaints adjudication process relating to both provincial council and presidential elections.

IFES assisted UNDP ELECT II and UNAMA in relation to the audit procedure, criteria for invalidation and concept notes on the complaints process and its effect on the audit and timeline for final results. In addition to the team in country, IFES deployed its Senior Global Elections Advisor to Kabul on 29 July to support the unprecedented audit process. The Senior Global Elections Advisor provided technical advice and input on a variety of procedural issues, including international engagement with the Board of Commissioners, invalidation typologies, special cases, and similarly marked ballots. During this deployment, the Senior Global Elections Advisor also provided technical support to the IECC leadership regarding adjudication processes for complaints against IEC audit decisions, and continued to provide remote technical advice and assistance until the end of the audit process.

IFES advisors supported the IECC throughout the long and complex audit and adjudication process, and continued to emphasize the importance of adhering to international standards and best practices such as judicially expedited decisions, pre-determined standards, established burdens of proof and standards of evidence, reasoned decisions, timely publication of decisions and complaints reports, and well publicized deadlines and timelines. This has included ongoing advice on how to implement these standards in practice, and in novel scenarios such as the audit process. The project continues to benefit from a strong partnership with UNOPS and equally strong relationship of trust with the IECC.

UNOPS supported the IECC staff who took part in the audit, as many of the PIECC staff were deployed to Kabul to observe the audit throughout its duration. Logistics and administrative support was provided to provide additional transport for the IECC HQ staff to and from the IEC and reimbursement of travel expenses and payment of DSA to PIECC staff. During the audit there was a peak of 99 IECC staff involved, 81 from the provincial offices and 18 from the HQ.

In July, UNOPS responded to a request to install an air cooling system into the four warehouses in the IEC that were being used for the audit. A solution was quickly identified and installed in a very short space of time that was very effective. Contracts were placed for the lease of the air cooling system, generators to provide power and other minor works including the installation of plastic curtains at each of the warehouse entrances.

During this reporting period, the IECC held a Technical Working Group meeting to provide updates on the status of PIECC Commissioners and temporary legal staff; the IECC observation

on the audit and its plan for the run-off complaints process; the status of provincial council complaints; and the status of the complaints relating to the presidential run-offs. UNOPS, IFES and UNDP also developed finalized a work plan for IECC activities from July through December 2014.

During the reporting period, IFES and UNOPS continued to advise and encourage the IECC to undertake staff assessments of all of IECC staff. This advice was accepted and it is hoped that the IECC will complete the staff assessments during quarter four. Additionally UNOPS and IFES also encouraged the IECC to undertake a review of the *tashkeel* (civil service structure) at a similar time as reviewing the staff assessments.

IFES and UNOPS also met with the Mid-Term Review team in August for a preliminary meeting and provided materials to the team - including all joint weekly reports and Technical Working Group (TWG) notes. IFES and UNOPS also shared key project documents, including: Analysis on the MoU; Note on IEC/IECC cooperation; IECC Interim Strategic Plan; IECC lessons learned document; and training reports. IFES also provided background and technical information throughout the week to the MTR, and IFES HQ team members also participated in a briefing call with the MTR team.

***Indicator 6.1.a. Electoral dispute resolution mechanism is fully established and staffed in all provincial offices and HQ***

During this reporting period, IECC has been active in sustaining staff in key positions, acknowledging the sensitive period of elections. As a result, IECC acted swiftly in filling all vacant positions in accordance to the law and in best interest of the commission. The process of overtime payment was initiated, and it covers the period since IECC was established in October 2013. All 49 Temporary Legal Analysis and Assessment staff completed their mission successfully by the end of July. It has been agreed that all 34 cleaners working in Provincial Offices will be paid until the end of the project – October 2015.

IECC has managed to keep its HQ and all 34 Provincial Offices operational throughout the election period. In July, IECC produced its Procurement Work Plan for Quarter 3 and Quarter 4 of 2014. Drafting of the work plan was closely supported by UNOPS counterparts. In the same time, an asset registration plan has been put in place and assets registration process is under way. In this quarter, contracts are put in place, works have been conducted and services completed that keep offices operational.

In August, the IECC agreed to proceed with the Safaria (Housing Allowance) payment for 99 Provincial Commissioners. UNOPS released the payments for the six-month contract period. Provincial Commissioners salaries have been paid by the GoA and their contracts ended on 22 July 2014.

## **Capacity Building and Lessons Learnt**

UNOPS and IFES continued efforts with the IECC to strengthen the institution for the longer-term, including through internal capacity building and lessons learned exercise to capture experience from 2014 provincial council and presidential elections. The IECC conducted a training needs assessment in order to prepare a comprehensive capacity building plan with IFES and UNOPS assistance. IFES and UNOPS also supported the IECC in the final lessons learned workshop for all PIECC commissioners on 16 August. This event was well attended and commissioners engaged actively in discussions regarding challenges and recommendations for strengthening the complaints adjudication process. IFES and UNOPS also compiled a report on this event, which was shared with the IECC Capacity Building Unit on 20 August. IFES encourages the IECC to publish all its lessons learned report on its website, and recommendations will feed into the IECC's strategic plan.

On 18 August, IFES conducted a Training/Coaching session on **Training Needs Assessments** for the Capacity Building Unit. This session was held to support the current initiative of the Unit to come up with a training plan and a general capacity development plan for institutional sustainability. Three other sessions are planned to help increase the capacity of the members of the Unit, namely: (1) Monitoring and Evaluation; (2) Participatory Training Methodologies; (3) The basics of conducting a training.

As part of capacity building efforts, the IECC held a training workshop with IFES assistance on basic **principles of management** on 27 and 30 August. Twenty-two IECC staff attended the briefing, including the Capacity Building Unit, as well as managers from all departments. IECC staff raised issues of disciplinary sanctions, and interference in daily operations by top management. IECC staff expressed interest in follow-up trainings on gender sensitivity and awareness and time management. UNOPS provided translation for training material (English to Dari) and the facilitation of training equipment.

Together with the IFES and UNOPS, IECC prepared an agenda and sessions for a Post-Election Review seminar to be held in Dubai in October. IFES and UNOPS assisted IECC staff with preparing discussion points for these sessions, including achievements, challenges and suggestions for improvement for the relevant topics: public outreach, inter-institutional cooperation, legal and regulatory framework, or capacity building and training.

## **Public Outreach and External Relations**

The IECC held several press conferences during the adjudication of complaints related to both the presidential runoff audit and provincial council election recounts. At the end of each open session, the IECC held a short media briefing about the decisions of the IECC and a short Q&A session. IFES provided advice to the IECC spokesperson and to the Public Outreach department before each press conference. IFES continuously encouraged the IECC Legal and Public Outreach department to ensure timely and correct information to be shared with the media.

IFES also supported IECC in drafting and publishing press releases regarding complaints and decisions.

The IECC continued to proactively share information on the complaints process with donors and observer group with the support of IFES and UNOPS. The IECC published all decisions related to the audit process on the website following IECC advice. The IECC also published the results of its adjudication of all presidential election complaints, but still needs to publish individual reasoned decisions for each case.

### **Case management system**

In September, the IECC started an assessment of the IECC Access database, led by the IECC Complaints Registration Manager. This assessment will consider training needs and capacity of staff in order to improve the database and data-entry, and to explore the possibility of moving to a web-based database. This report was not finalized by the end of the reporting period.

### **Strategic Advice**

IFES continued to provide strategic advice to the IECC on effective ways to resolve electoral disputes in a fair, transparent, accessible and timely fashion, drawing on rights-based standards and principles. IFES and UNOPS continued to conduct **regular meetings** with the IECC chairman and 4 commissioners and senior secretariat leadership, to provide ongoing technical advice and assistance on a range of legal and EDR issues. IFES provided continuous update on the IEC audit process to the IECC and encouraged IECC to take decisions in a speedy manner on the complaints not affecting the results. IFES and UNOPS advisors continued to build strong and trusted relationships with the IECC, which facilitated the provision of effective advice and assistance.

In early July, UNOPS and IFES advisors met with all commissioners individually and discussed the current activities of the IECC secretariat, as well as advice provided. Commissioners mentioned their readiness to address complaints on presidential and provincial council elections and thanked both IFES and UNOPS for support and advice. Most of the IECC commissioners also raised internal communication issues between commissioners as well as with the Secretariat. UNOPS and IFES continued to advice on the importance of holding regular meetings with commissioners and their senior secretariat staff to avoid misunderstandings and frustration, and to strengthen the institution.

Following advice from UNOPS and IFES, the IECC started preparing its **first annual report** that will outline IECC activities and will include conclusions from the post-election review seminar. IFES and UNOPS provided information and suggestions for improvement to the policy and planning department in charge of the report. The report is to be finalized following the Dubai seminar.



## Gender

During this quarter, IFES and UNOPS continued advising the secretariat and the commissioners on the importance of gender as a cross-cutting issue, relevant to many areas such as recruitment, public outreach campaigns and complaints registration. While working on the training needs assessment and capacity building plan, the IECC included gender training in its plan. Following UNOPS and IFES advice, the IECC hired, on a part time basis, a national consultant to work with the Gender Unit of the IECC. She began her work in the second week of September. IECC and UNOPS sought IFES assistance in giving guidance to the work of the Gender Advisor who had been tasked to conduct an assessment of the gender mainstreaming needs of the IECC and thereafter to assist in drafting its gender mainstreaming strategy/plan, to assess the capacity needs of the Gender Directorate and to conduct basic gender sensitivity training for the IECC. Unfortunately, she resigned after two weeks. Work is now ongoing to find a replacement for this post. The IECC HR and Gender unit also coordinated with the Ministry of Women's Affairs in order to deliver training on gender for the IECC HQ staff.

### ***Indicator 6.1.b. the extent to which regulations and operating procedures are developed in a qualitative and timely manner***

#### **Complaints Process & Audit Plan**

At the beginning of the nationwide audit, the IECC Secretariat submitted a plan for the run-off complaints process to commissioners. This plan was drafted with the assistance of UNOPS and IFES. The commissioners provided input and formally adopted the plan on July 23. This complaints process audit plan laid out the legal framework; the complaints process related to pending complaints and appeals; the observation role of the IECC during the audit; the right to submit a complaint to the IECC regarding an IEC decision; and the adjudication of complaints received. The plan was published on August 2<sup>nd</sup>.

At the start of the audit process, IECC adopted an **instruction on observation** of the audit with IFES' assistance - relying on international standards and best practices for observation. On July 14 and 17, IFES helped the IECC develop and conduct a training for the 50 PIECC staff who were initially deployed to observe the nationwide audit. The IECC CEO, IECC legal team and IFES explained the background for this audit, the principles of observation, and the forms to be filled out during the observation.

In preparation for the **IECC adjudication of audit complaints**, IFES developed a checklist on invalidation of ballots based on IEC decision #34 on audit invalidation criteria. On 27 August, IFES conducted a briefing session on the IEC invalidation criteria with senior IECC legal staff and the IECC Deputy CEO. IFES advisors presented the different criteria on total or partial invalidation, as well as recounts, adopted by the IEC for the nationwide audit. IECC staff welcomed this initiative, which allowed them to be prepared for adjudication of audit complaints. IFES also provided daily advice to the IECC legal staff in collecting the necessary

evidence before presenting the case to the IECC commissioners. IFES also continued explaining to the IECC legal staff the different criteria for invalidation (total or partial), criteria for recounts, and how to read the audit checklist properly. Following the first open session on audit complaints, IFES assisted the IECC legal team develop a simple template to register all complaints and decisions related to the audit, stating the province, the allegation, the IEC decision, date of the open session and the reasons for IECC decision. The IECC shared this table with donors and published it on the website.

### **Open sessions and Decision Making**

The IECC held a series of open sessions for complaints and appeals relating to Election Day in July, and relating to audit complaints at the end of August and September. IFES continued providing advice on the conduct of open sessions and on ensuring the relevant parties had sufficient notice to prepare their defense and argument within a reasonable. Before final adjudication of the presidential election complaints and appeals, IFES advised commissioners to clearly state details in the decisions – presenting the legal and factual justifications and stating the standard of evidence. IFES shared a revised template with the IECC commissioner and senior legal director. Presenting reasoned decisions remains a major challenge at the IECC, as written decisions lack specific legal and factual justifications.

IFES continued advising commissioners on the importance of proportionate and appropriate remedies. IFES also advised on the difference between malpractice and fraud, especially in relation to IEC staff. The IECC Chairman demonstrated a commitment to investigate alleged perpetrators of fraud after the announcement of final results, to mitigate a culture of impunity.

### ***Indicator 6.1.c. timely establishment of a co-ordination mechanism between the IEC and the electoral dispute resolution mechanism to address electoral complaints***

During this reporting period, co-ordination between the IEC and IECC was crucial to avoid any further delays in the announcement of the results. This co-ordination included the audit process and the IECC observation, complaints adjudication on IEC audit decision and provincial council election recounts. While it remained informal, cooperation between the two institutions improved from the last quarterly especially between the two legal departments.

During the adjudication of cases from the presidential runoff audit, the IECC and IEC cooperated closely. Despite a few delays in the first two days, the IECC received the IEC checklists and detailed reasons for invalidation in a timely manner and communication related to the processing of complaints has been enhanced. IFES encouraged cooperation and the sharing of a consolidated list of invalidation, validation and recounts, to ease the work of the IECC on complaints related to Election Day. Despite a short timeline, the IECC managed to meet its 48 hour adjudication deadline thanks to this timely sharing of information.

IFES encouraged the IECC to formalize this mechanism of cooperation with the IEC and ensure that they obtain all required documents in a timely manner for IECC adjudication. IFES also coordinated with ELECT II to ensure the smooth sharing of information between the two institutions. During the open session on audit complaints, the IEC legal representative participated to explain the decisions of the IEC commissioners. IFES encouraged the IECC legal team, as well as IECC Chairman, to insist on the presence of the IEC legal director during these open sessions. From the beginning of the adjudication of the complaints related to the presidential runoff audit, IFES was advising the IECC to obtain the following information in a timely manner from the IEC:

- Database reports of audit results. It would allow the IECC to identify which complaints and polling stations are affected by upcoming IEC decisions.
- IEC decisions: While the IEC will publish its decisions on its website, it would give more time to the IECC if they could obtain the decision before publication.
- Relevant documents used by the IEC for decision-making: The IEC checklist with signature, as well as written UN advice.

The IEC and IECC also coordinated efforts on the conduct of recounts for provincial council elections. After reluctance from the IEC due to limited capacity, the recount of 992 PS in Kabul province started on August 16 with 1 IEC staff member for each IECC staff member, and were also initiated in other provinces (Nangarhar, Parwan, Kandahar, Baghlan, Nuristan). The IECC reported several instances of tensions due to lack of cooperation by some PIEC staff, especially in Nuristan. The IEC was sometimes reportedly obstructing the recount process, but after discussions between the heads of the secretariats, the recounts proceeded as planned – but this lack of cooperation did create some delays.

***Indicator 6.1.d. the extent of proper assets management of the electoral dispute resolution body***

The IECC has an assets management system in place which has been supported and advised by UNOPS. UNOPS has been stringent in what has been released to the IECC and what has been kept in stock at UNOPS Support to the Electoral Complaints Commission of Afghanistan (SECCA) on their behalf.

In respect of the provinces, UNOPS conducted 10 field visits (Badakhshan, Baghlan, Bamyan, Herat, Kapisa, Kunduz, Nangarhar, Parwan, Panjshir and Takhar) during which a complete inventory check has been undertaken in each of these locations. A full inventory check has also been undertaken at the IECC HQ. There is a rolling capacity building programme to include IECC staff in all inventory checks and tagging processes. During the quarter UNOPS has been developing an asset database including a bar coding system which is hoped to be ready for implementation in Q4 2014.

## EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 269,049 from USAID funding (separate budget line 9) contributed to output 6 achievements. For more details, please see Annex 2. For more details, please see Annex 2.

Below is a snapshot of where ELECT II is in relation to its annual targets.

Table 6: Progress Update Q3 2014 Output 6

BASELINE	2014 ANNUAL TARGETS	Q3 Actual	Comments
Baseline 6.a.: 6 months before polling day	6.1.a (2014) Electoral dispute resolution mechanism is fully established and staffed in all provincial offices and HQ	The IECC is effectively fully established at both provincial and HQ level. There remain a small number of posts that are still not filled but not of a significant nature to negatively affect the work and operation of the IECC. Colocation at provincial level continued to have challenges and difficulties but remained manageable.	On track.
NA	6.1.b. (2014) Systems, procedures and processes developed/revised and implemented for filing, hearing and resolving complaints and appeals during and after elections. Improvement of the triage system for dispute handling	Following the final adjudication of complaints and appeals, the IECC showed commitment to revise the entire regulatory framework in light of the 2014 experience: regulations, procedures and guidelines will be amended and additional rules will be developed to complete the framework.	On track.
NA	6.1.c (2014) development of a co-ordination mechanism between the IEC and IECC to address electoral complaints	The IECC and IEC showed good cooperation, especially during the adjudication of complaints related to the IEC audit decisions: sharing relevant document and evidence in a short timeframe.	On track.
NA	6.1.d. (2014) IECC unqualified asset audit report (end of year)	NA	NA

## **OUTPUT 7: The integrity of the electoral process is enhanced through a fully-supported media regulatory body**

### **7.1. Support to the IEC Media Commission**

#### **Indicator 7.1.a timely establishment and fully staffing of media regulatory body**

*The Media Commission was formally established on 4 December 2013 and is fully staffed since Q1 2014.*

#### **Indicator 7.1.b. the extent to which regulations and operating procedures are developed in a qualitative and timely manner**

*IEC Decision 32-1393 (32/2014) – IEC recommendation to the Attorney General Office for prosecution of media outlets – violation of the Election Law (Afghan and Dawat TV). Endorsed on 21 July 2014.*

#### **Indicator 7.1.c. timeliness of the release of the post-election Media Commission report**

*The Media Commission is obliged to produce its media assessment report 45 days after announcement of the results of the elections.*

The focus of the Media Commission had been on journalists, newspapers, radio and TV stations adhering to the media regulation during the campaign period, the silence period before Election Day, on Election Day and the post-election days. On 21 July 2014, the Media Commission provided its recommendations to the Attorney General Office for prosecution of media outlets – violation of the Election Law (Afghan and Dawat TV).

The Media Commission will remain in office for a maximum of 45 days after the final elections results are published by IEC. Although the IEC declared Dr. Ashraf Ghani Ahmadzai as the winner, detailed results had not been published by the end of Q3. In addition, as of 30 September 2014, the final provincial council results had not yet been adjudicated and finalized by the IECC and the IEC, respectively. Therefore, the Media Commission is still legally in office.

The Media Commission is in the process of drafting the final report which will include a number of media recommendations aimed at strengthening the role the body for the future elections. Moreover, the commission has been holding joint discussion with media representatives on the regulatory framework for the media and will formulate proposals for amendments to the Electoral Law in this respect.

## EXPENSES FOR THE QUARTER

During Q3 of 2014, a total of USD 444,422. For more details, please see Annex 2.

Below is a snapshot of where ELECT II is in relation to its annual targets

Table 7: Progress Update Q3 2014 Output 7

BASELINE	2014 ANNUAL TARGETS	Q3 Actual	Comments
<p>Baseline a.: 1 month before polling day                      Baseline b: NA                      Baseline c: 45 days after elections</p>	<p>7.1.a (2013) Media regulatory body fully established and staffed by 16 November (revised electoral timeline in line with the new Electoral Law and the shortened Campaign Period, initial establishment was foreseen on 17 October.)</p> <p>7.1.b. (2013) Media monitoring systems, procedures and processes developed/revised and implemented</p> <p>7.1.c: NA</p>	<p>7.1.a. The Media Commission was formally established on 4 December 2013 and is fully staffed since Q1 2014.</p> <p>7.1.b. IEC Decision 32-1393 (32/2014) – IEC recommendation to the Attorney General Office for prosecution of media outlets – violation of the Election Law (Afghan and Dawat TV). Endorsed on 21 July 2014.</p> <p>7.1.c The Media Commission is obliged to produce its media assessment report 45 days after announcement of the results of the elections. (Q4 2014). The Media Commission</p>	<p>On Track</p> <p>7.1.a: completed</p> <p>7.1.2 :                      - revision of media regulation in January 2014                      - Third party media monitoring established in Jan/Feb 2014                      - Media monitoring procedures further developed/revised in Q1 2014</p> <p>7.1.c: Q4 2014</p>

## IV. GENDER SPECIFIC RESULTS

Gender-specific election results of the presidential and provincial council elections, in terms of female turnout, as well as elected female candidates, will be published by the IEC in Q4 2014.

### IEC female electoral staff

Female staff in 2014 electoral process increased comparing to last elections. There were 33 % CVEs (3 % increase from 2010), 21 % DFCs (5 % increase from 2010) and 26 % Polling Staff (no gender data from 2010 elections). Altogether 34 Gender Officers were recruited, one in each Province. The percentage of overall electoral staff in 2014 election was 29 % (8 % increase from 2010) and the percentage of regular staff was 9 %.

### IEC-accredited female observers

During the audit, 1,178 international observers were accredited out of which 17 % were women observers (197). The highest percentage of female observers was from Democracy International, 63% (34). Among the local observers AAN had the highest female observers -44% (4). FEFA had highest number of female auditors 41 (29 %), followed by TEFA 10 (10%).

	2009			2014			Run Off 2014		
	Female	Total	Female %	Female	Total	Female %	Female	Total	Female %
Nat. Observers	3758	9228	41	4669	14585	32	5360	18185	29
Int. Observers	108	1106	10	199	1256	16	174	1233	14

Source IEC, October 2014

Comparing to 2009 Presidential Election, the female domestic observers decreased by 9 % in 2014 and 12 % in run-off. However, the international observers increased by 6 % in 2014. The IEC in its gender coordination meetings repeatedly called for increased role of women as observers. There is a need for the observer organization to assess this issue to ensure that greater number of women participate as observers.

### IEC-accredited female media representatives:

	2009			2014			Run Off 2014		
	Female	Total	Female %	Female	Total	Female %	Female	Total	Female %
Nat. Media	126	638	20	87	697	12	89	709	13
Int. Media	152	609	25	91	494	18	66	513	13

Source IEC, October 2014

The trend of female participation among media personal both for national and internationals are in decrease, a stronger advocacy in this regard is important together with training for media houses on gender concerning issues.

### IEC-accredited Candidate Agents

Elections	Female	Total	Female %
2009 Presidential Election	36222	169709	21
2014 Presidential Election	19458	80645	24
2014 Run Off	25427	87346	29

Source: IEC October 2014

The trend of female participation among candidate agents is in increase. In the 2014 run-off, female participation rose by 8 % comparing to 2009 Presidential election.

Candidates Agents of Dr. Ashraf Ghani Ahmadzai and Dr. Abdullah Abdullah:

Elections	Female	Total	Female %
Abdullah Abdullah	11763	42160	28
Ashraf Ghani	13664	45186	30

Source: IEC October 2014

It is encouraging that good number of women participated as candidate agents, however, continuous efforts needs to be made to ensure that women's role as candidate agents is further enhanced and increased.



## **V. PARTNERSHIPS**

### **A. Implementation partner**

The IEC is UNDP's only implementing partner for the ELECT II project. The ELECT II project document foresees also UNDP support to the IECC but within the overall aegis of ELECT II and not as a separate implementing partner. To avoid any real or alleged conflict of interest, assistance to the IECC was subcontracted by the UNDP to UNOPS (administrative support) and to IFES (advisory/technical support), with funding channeled through ELECT II.

### **B. International donor partners**

ELECT II is funded by 16 international donor partners<sup>7</sup> and intends to maintain very close donor relations. Through the various forums such as the Project Board meeting, the Technical Working Group and the ELECT II Donor Group, partners are kept abreast of matters, and have an input on issues related to the project. During Q3 2014, under the co-ordination of the SRSG, high-level as well as technical level meetings with donor partners were organized by UNAMA with input and attendance of ELECT II.

### **C. UNAMA**

On 17 March 2014, the UN Security Council extended the mandate of UNAMA for another year through resolution 2145. The mandate foresees a specific section on electoral support. The deputy SRSG is the co-chair of the ELECT II project board. UNAMA and ELECT II are in regular discussion on electoral issues, in particular since UNAMA plays a convening role with political stakeholders of the electoral process. In Q3 2014, under the co-ordination of the SRSG, and strongly supported by the UNDP Country Office, the UNDP Global Office, EAD and the highest global UN representatives, ELECT II and UNAMA closely worked together to streamline the UN's role in this unprecedented audit process. ELECT II provided input and joined the UNAMA organized co-ordination meetings on elections with the international community and key partners.

### **D. International Observer Organizations**

Together with offices from the UNDP CO, UNAMA and other UN entities, ELECT II worked closely together with international election and/or audit observation organizations, such as the EU EAT, the OSCE/ODIHR, Creative Associates, DI, and NDI, to facilitate and ensure the best environment for their audit observation.

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<sup>7</sup> From a technical-administrative perspective, the Government of Japan supports the IEC through two separate project contributions, which are implemented by ELECT II and directly serve ELECT II outputs.

## **E. Key political stakeholders**

Throughout the audit process, ELECT II key electoral advisors, together with colleagues of UNAMA and under the lead of the SRSGS and the D-SRGS closely coordinated and mediated with the electoral teams of both presidential candidates to ensure the best cooperation and consent in audit processes and procedures.

## **E. Afghan National Security Forces and ISAF/NATO**

Together with the IEC, ELECT II coordinated, with the assistance of ISAF, the massive and timely retrieval of all 22,828 ballot boxes from the IEC's provincial offices to Kabul. While ISAF took responsibility for road movements and large-scale air transport, ELECT II and UNAMA aircraft performed 85 flights retrieving ballot boxes from the provinces to Kabul. As part of the agreement between the presidential candidates, the movement of all ballot boxes took place under international security escort. IEC staff retained custody of the materials at all times.

ELECT II security experts, together with colleagues from UNDP, UNAMA and the UN DSS worked closely together with the IEC Security Unit, ANSF and ISAF to enhance the IEC's internal and external security. ISAF maintained a 24/7 presence at the compound, while IEC security guards and police forces were also deployed. The audit process was given a high threat assessment given its importance, visibility, and the more than 1,000 national and international observers visiting on a daily basis for almost two months the IEC's HQ compound.

## **VI. RISKS**

The conclusion of the presidential and provincial council elections provides a new momentum to analyze and revise the project's risks, in particular in light of the next Wolesi Jirga (parliamentary) elections and possible district council elections.

A wide range of risks could be linked to different activities of the ELECT II Outputs across different key areas, including 'electoral integrity', 'electoral operations', 'capacity development' and 'long-term sustainability'. 'Gender' and 'security' are cross-cutting themes, while 'programmatic operational risks' look at the programme side of the project. For each area, the project is mapping out how to address the risks, based on lessons learnt, best practices, and implementation of new mitigation measures.

The risk assessment will be part of the revised 2015 Annual Work Plan and will reflect measures that will enhance the IEC's conduct of elections. The key elements of the project risk assessment will be regularly reviewed and presented as a recurrent topic in every future donor coordination meeting.

## Electoral integrity

The issue of electoral integrity has been a concern during and in the aftermath of the Presidential and Provincial Council elections. Actual and perceived electoral integrity issues have affected the IEC and IECC's credibility and could pose further risks to the conduct and perception of the next elections. The breach of electoral integrity relates to electoral malfeasance and/or a lack of electoral ethics committed by electoral workers, at different levels of the IEC, as well as improper political involvement in the process. This is something not only to address within the electoral management bodies but also with partners and direct electoral stakeholders, such as prominent local and/or national politicians and powerbrokers. If not addressed properly, electoral integrity issues might continue to pose a risk on the Parliamentary and District Council elections. Technical measures could reduce the areas for electoral malfeasance, but would be ineffective if not properly implemented. Furthermore, technical measures alone would never be able to tackle the problem as long as the concept of electoral integrity is not widely supported by all stakeholders and impunity of electoral malfeasance remains an issue.

Extra technical and non-technical mitigation measures that ELECT II could take to enhance the integrity of the IEC's polling and counting process:

- Recruitment oversight of district field co-ordinators (DFCs) and polling staff: ELECT II is looking into strengthening the oversight on the recruitment process of DFCs as well as their performance.
  - Elaborating the DFC recruitment software by processing more detailed personal information linked with payments.
  - Considering different options of the extent of DFCs' roles, responsibilities and accountability: from on the one hand more direct oversight and involvement in the polling staff recruitment and operations by the IEC's Provincial Executive Officers (PEOs) – and hence reducing the DFC's relevance, to on the other hand strengthening their direct responsibilities and accountability in the entire process.
- Enhanced focus on electoral integrity training for all IEC staff, from temporary electoral workers in the field to long-term staff in provinces and the Secretariat, as well as the Commission. Stronger staff awareness of electoral integrity is essential before IEC staff and electoral workers can be expected to be fully compliant with electoral codes of conduct. In this respect, the signing of an electoral code of conduct should remain compulsorily for every electoral worker, however, only after he/she also had been given specific trainings and/or workshop on electoral ethical principles, values and behaviour.
- Embracing a 'complaints driven process', where indications of electoral fraud as reported by the media or through the IEC call centre could also form the basis of potential audits
- Advising the IEC to install an internal evidence-based sanction system for violation of electoral integrity, to address the concern of impunity. This should go along with a more general sanctioning approach at the highest political levels, where UNDP CO, UNAMA and

international partners continue to raise with the Afghan authorities the issue of electoral impunity.

- Revision of anti-fraud measures, based on the IFES integrity mission findings
- Close advice to and co-operation with the Commission-level, underscoring the importance of electoral integrity, to lead by example and to implement integrity enhancement measures across the IEC.
- Engagement of the wider group of electoral stakeholders to address the issue of electoral malfeasance. Together with UNAMA, reaching out directly to international and domestic observer groups - beyond the direct advisory scope of the project- for better anti-fraud engagement between all electoral partners.

### **Electoral operations - timeline**

From a technical perspective the preparation and operations of the 2014 Presidential and Provincial Council elections ran relatively successfully given the circumstances and challenges. However, certain uncertainties, in particular about the electoral timeline, could pose a risk for a timely and similar successful operation for the Wolesi Jirga and the District Council elections.

The presidential vote audit in this quarter jeopardized the possibility of Wolesi Jirga and District Council elections in spring 2015, as electoral preparations, such as candidate nomination, need to commence almost nine months earlier. Furthermore, both President A.G. Ahmadzai and Chief Executive Officer A. Abdullah have hinted to the possibility of legal reform of the electoral framework, which would further affect an elections timeline in 2015. An unclear timeline is a major issue for timely planning of a whole range of electoral operations prior to the conduct of the actual elections, such as candidate nomination, public outreach, procurement, logistics, procedures, voter registration, etc.

Mitigation measure:

- Ensuring that the revision of the electoral timeline foresees sufficient time for proper planning and conduct of all pre-election stages and operations.

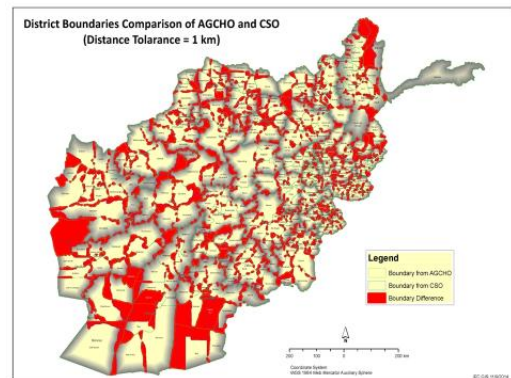
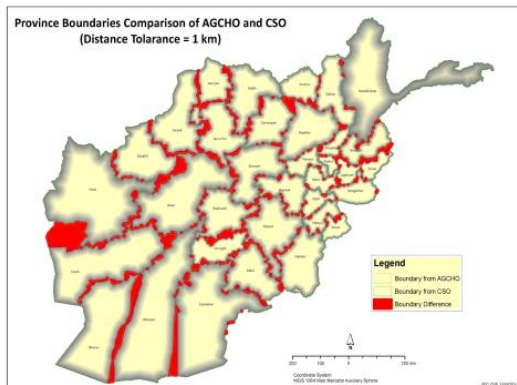
### **Boundary delimitation**

The Electoral Law is ambiguous about the boundary delimitation of the 10 Kuchi constituencies for the WJ, as well as how the (nation-wide) quorum of minimum three female Kuchi representatives technically would be implemented.

Mitigation measure:

- Raising the issue of the Kuchi constituencies as an important agenda topic of electoral reform discussions that needs further legal elaboration.

Another major concern regarding boundary delimitation relates specifically to District Council elections, where no clear district boundaries are yet available. In addition, geographical data from two official institutions, CSO and AGCHO, show remarkable delimitation differences, both at the provincial and definitely at the district level. (See below)



The lack of clear boundary delimitations pose a threat to a range of electoral issues, such as polling centres and stations allocations per province and district, counting, candidate representation, etc.

Mitigation measure:

- Establishment of a Co-ordination Mechanism with IEC and AGCHO and CSO to define final provincial and district boundaries
- IEC to define electoral boundaries, which could be different from civic boundaries.

### **District Council Elections - Operations**

Beside the concern of boundaries, the conduct of District Council elections - never held before- will imply a much more complex electoral task than ever seen in Afghanistan; and could become a risk for the project if not planned properly in time and in detail.

Mitigation measure:

- Detailed and proper planning for District Council elections: It is expected that around 22,000 candidates will contest some 3,000 seats, something that would directly affect the way the candidate nomination and the candidates' adjudication process is handled. It requires, for example, the unique printing and distribution of more than 400 different ballot papers (each per different district). Other more complex issues relate to local public outreach, polling

centre allocation, security, logistics, IEC polling staff recruitment, election observation, and complaints adjudication.

### **Voter registration – e-tazkira**

The lack of a clear voter register has contributed to affect electoral integrity issues during the 2014 presidential and provincial council elections; and would still severely poses risks on the Parliamentary and District Council elections. Voter lists could not be cross-checked. In addition, as voters have never been assigned to polling centres, maximum potential turnout remains hard to predict. To counter this, the IEC had to fall back on the option of contingency polling stations, a measure open for criticism. Prior to the 2014 elections, the IEC's nationwide voter registration and/or revalidation proposal was rejected, and in lieu, priority was given to the concept of a national ID card (e-tazkira), while a temporary 'top-up' voter registration drive facilitated the 2014 elections.

As the law only has been signed in late 2014 and implementation has to be set up, the risk exists that the e-tazkira system will not yet be operational or already have sufficient people registered for the next Wolesi Jirga and District Council elections, hence not providing any relevant voter registration data.

Mitigation measure:

- ELECT II and the IEC to assess and propose different VR options, including the possibility of a provincial level top-up for new voters who turned 18 since 5 April 2014, and taking into account the issues of disenfranchisement.

### **Gender**

Gender mainstreaming in elections remains a serious concern in Afghanistan, both in terms of voters' participation as well as female candidates' representation, but also in terms of female staff employed by the IEC, in particular in female polling stations, which enables women's participation in the electoral processes.

An imminent gender-related risk for the upcoming Wolesi Jirga and District Council elections already emerges in the candidate nomination period. In case the IEC fails to register sufficient female candidates for those elections, all other gender mainstreaming efforts to ensure women in elected positions become obsolete.

The Electoral Law foresees a minimum quota of 25% female elected members for the Wolesi Jirga. (In 2010, 69 women were elected out of the 458 WJ seats, which is 27%.) For the upcoming WJ elections, there is a risk that not all provincial constituencies would meet the minimum quorum of female candidates, hence affected the total number of women to be elected during the elections.

Regarding the district council election, the Electoral Law does not foresee a minimum quorum for female candidates, while required educational criteria (minimum grade 12) could be extra detrimental for women. In this respect, there is a severe risk that in many districts hardly any women would be elected.

Mitigation measures ELECT II and the IEC to take during candidate nomination

- Targeted public outreach efforts at provincial and district level, engaging community leaders, religious leaders and women groups to encourage female participation and voting for UNDP.
- IEC to look into the option to reimburse female candidates their candidate deposit, disregarding their eventual vote result. Successful lessons learned undertaking for the 2014 Provincial Elections.
- In case of renewed discussions on legal reform, proposals of amendments to the Electoral Law which review quorums and educational criteria to better benefit women's participation.

## **Security**

Security remains a serious risk in 2015 which threatens to undermine many aspects of the project, the IEC and electoral operations. With the drawdown of ISAF by end 2014, the general security in the country could deteriorate dramatically, imposing more movement restrictions on UNDP and all international partners. This would not only affect the project's capacity development efforts, but perhaps even more the supervision of the IEC's operations, both at the central level and in the provinces.

Furthermore, ISAF's drawdown leaves co-ordination of electoral security planning and operations solely in the hands of the IEC and ANSF, in contrast to 2014, where ISAF still played a major co-ordination role in this. Moreover and perhaps the greatest direct impact of ISAF's drawdown that could be felt relates to transport and security provision of movement of electoral materials, and the lack of massive air transport to regional hubs and inaccessible areas. From 2015, most if not all electoral movements will have to be done by road in convoys, protected by ANSF. This implies more preparation time for logistics while on the other hand the window for actual operations is smaller as weather issues will even more play a serious risk. (E.g. for the preparation of the 2014 April elections were all electoral materials for the North flown over by ISAF aircrafts as winter conditions made the Salang pass inaccessible for a long time.) The main risk is that from 2015, electoral operations face becomes a much more complex task in terms of logistics and transporting electoral materials in time.

Mitigation measures:

- Electoral calendar needs to take into account weather conditions when planning for electoral operations

- Establishment of structured security coordination groups, at political and technical levels, between IEC and MoI and other security partners.

### **IEC Capacity: Leadership – Civil Service reform issues**

In the past two and a half years, the IEC has witnessed 5 different people holding the position of CEO (including 3 as officer-in-charge). Likewise, there have been a significant rotation and open vacancies for the organization's both deputy CEO positions. Other key positions at the IEC's Secretariat-level have been vacant over time. In addition, with the civil service reform recommendations in mind, also a large number of provincial electoral officers (PEOs) have been moved and replaced in the last year. The recommendations of the civil service commission to restructure the IEC, including changing reporting lines from the PEOs to the IEC's Chair versus the CEO, were supposed to be implemented in 2015 after the Wolesi Jirga and District Council elections.

The ongoing instability at the IEC's leadership level risks to affect the organization's electoral knowledge and ELECT II's long-term capacity development efforts. In case the WJ and DC elections are to be postponed, a significant restructuring of the IEC in 2015 could also undermine the existing ELECT II's capacity development efforts.

Mitigation measures:

- Advising partners, including the government, of the risks of delayed appointments of IEC CEO and deputy CEO, as well as the need for clarity for the organization about the position of the Commission.
- ELECT II to recruit international HR Advisors who will work closely with the IEC on the CSC reform, while providing oversight of other HR issues.
- Advising partners, including the government, of the importance to restructure the IEC after the WJ/DC elections.

### **IEC sustainability**

Besides electoral assistance for this electoral cycle, ELECT II is also mandated to look into long-term capacity development of the IEC "in order for the IEC to organize future elections with ever decreasing international support". Different risks exist that the project, and by large the international community and the national government, could not ensure the IEC's long-term sustainability.

Long-term sustainability relates to:

- Knowledgeable staff
- Systems in place
- Financial sustainability



Knowledgeable staff: Staff turnover, in particular at key positions (see above), is a major issue and poses a risk to the IEC's electoral knowledge. In this respect, it is important that ELECT II continues to work closely together with counterparts in an embedded approach across all IEC departments (on the job training), while all IEC staff members are provided ongoing electoral courses and trainings.

Systems in place: It is likewise important that the existing knowledge in the IEC will be institutionalized and that processes and systems incorporate best practices. In this respect, ELECT II will continue to fine-tune standard operating procedures, in particular in the operational departments such as finance, procurement and HR. At the same time, all technical operational aspects of the 2014 elections are to be captured in a '2014 Elections Compendium' comprising detailed booklets of each facet of the preparations and serving as a guidance for future elections. In addition, ELECT II is developing an IT based Election Decision Support System (EDSS), which incorporates all electoral data in one system that better informs decision-making and enhances institutional electoral memory. In 2015, ELECT II also continues assisting the IEC with the development of adequate provincial offices and warehouses, in order to strengthen the IEC's physical capacity at the local level.

Financial sustainability: Financial sustainability is a main issue and the key risk to maintain the country's electoral institutions in the long-run. Electoral operations in Afghanistan have been funded by and large by the international community. The input from government budget is low. The 2013 'Garmin mission' recommended 10 million USD to be allocated per year for the IEC to cover regular costs. In 2014, however, the government allocated 4.1 million USD, of which ultimately the only received 2.7 million USD. For 2015, the government allocated only 2.5 million USD for the IEC.

ELECT II managed to decrease the average cost per voter over the past years, as indicated below:

2009 - \$184 million	\$13.62/Voter
2014 - \$109 m. (1st round)	\$ 8.08/Voter
2014 - \$138 m. (1st+2nd + Audit)	\$ 5.11/Voter
2015 - \$103 million (first estimation)	\$7.62/Voter

Mitigation measures:

- The issue of electoral sustainability in Afghanistan is something that ELECT II can address within the development of a long-term strategy that also includes a reduction of foreign aid, and needs to be discussed by all partners at the highest government levels.
- ELECT II continues to inform UN and donor partners of the importance of a national government budget that should cover sufficiently the IEC and IECC's regular costs

- ELECT II with the IEC to explore further options of a decrease in spending for electoral operations: e.g. a presidential decree to air freely electoral PSAs, use of government staff/teachers as polling workers, etc.

## VII. ISSUES

Most issues the project is currently facing are included in the abovementioned risk domains, which also elaborated on mitigation steps. To summarize, the most important ongoing issues include:

- Security remains a serious ongoing issue for the project in terms of staff safety, safety at the different IEC locations as well as security provision of movement and outreach in the field.
- Uncertainty about the electoral timeline for the Wolesi Jirga and District Council Elections, affecting all upcoming electoral planning.
- Ongoing vacant high-level managerial positions in the IEC hampers ELECT II's counterpart work at managerial level. It remains important to advising partners, including the government of the risk of protracted recruitment process for the position of IEC CEO and Deputy CEO.
- Issue of operational control by UNDP on IEC financial expenditures under the National Implementation Modality. ELECT II continues to enhance oversight functions for ELECT II advisors and third party monitoring; while exploring the option to continue direct electoral costs under a modified approach.
- As of 30 September, vacant positions of three senior ELECT II managers (including CTA) to be replaced; UNDP to intensify the process to find and recruit suitable candidates.
- ELECT II resource mobilization for 2015 and budgetary status, linked to the electoral planning in 2015 for the Wolesi Jirga and District Council elections.

### **ELECT II programmatic risks and issues**

Given the context of Afghanistan, it is crucial for ELECT II to continue with stringent financial oversight of project spending for/by the IEC. Donor partners opted in 2012 at the start of ELECT II that the project will move from a Direct (UNDP) Implementation Modality (DIM) approach to a National Implementation Modality (NIM) to enhance the concept of 'Afghanisation'. However, this modality is not always the most beneficial for electoral projects given political and time-sensitive issues, as a NIM approach has less options for direct control mechanisms, hence posing risks on financial transparency, expenditures or timeliness of operations. To mitigate risks

As recommended in 2013, ELECT II works with an on-budget modality that indirectly still preserves an element of independence and oversight. However, this mechanism is not always the most clear in terms of ultimate roles and responsibilities between the IEC and ELECT II.

Mitigation measures:

- ELECT II to establish more internal oversight mechanisms on operational-management issues, including the option of enabling more ELECT II advisors a supervisory role, in particular in IEC finance, HR, procurement, etc. Third party monitoring control on large scale transport contracts and field-level training programs.
- Exploration of revise NIM and DIM approaches for sensitive electoral operations.

## VIII. LESSONS LEARNT

In order to capture lessons learnt from the past round of elections and the audit process, ELECT II conducted on 6 September a lessons learned workshops with all the UN deployed audit supervisors. The recommendations of this lessons learned workshop as well as other findings about the audit process will be published in a separate ELECT II 'Audit Lessons Learnt' report.

Furthermore, in order to ensure that all election and audit plans, tools and reports developed earlier by international advisors are properly and systematically handed over to the IEC as well as to preserve and institutionalize all knowledge, ELECT II plans to develop a '2014 elections compendium' of a series of booklets that comprehensively captures all technical and operational aspects of the entire 2014 election process.

## IX. FUTURE PLANS

### 2015 Elections

Given the prolonged process of the 2014 presidential elections, it is more than likely that the timeline for the 2015 elections (Wolesi Jirga and possibly district-level election) has to be adjusted. The following narrative outlines the context, challenges, specific steps and plans for the 2015 elections, in this respect directly shaping ELECT II's role and activities in 2015.

#### Afghanistan elections in 2015: context – key issues - planning

1. Consistent with the provisions of the 2004 Constitution and the 2013 Electoral Law, the year 2015 should see elections for a new Wolesi Jirga and possibly district-level polls. The country's demanding electoral calendar means that even before the dust settles on Afghanistan's 2014 presidential elections, national electoral management bodies and partners are beginning to look forward to subsequent processes. The following elements intend to assist ELECT II and international partners orient key steps and challenges and are to be considered in the early stages of planning for the upcoming polls.

## ***Electing a Wolesi Jirga in 2015: Key issues***

2. As during past electoral cycles in Afghanistan (2004-05 and 2009-10), the gruelling experience of the presidential elections throws up additional challenges for succeeding national elections, which must be contemplated as early as possible so responsible authorities can take appropriate action.

3. Electoral calendar. A cursory reading of Article 83 of the 2004 Constitution would lead one to believe that polling should take place between 30 and 60 days before 22 June 2015, however a timeline culminating in polling around early September or October would be legally justified, politically and institutionally preferable, and operationally feasible.

- Legal. There are conflicting criteria bringing the term of the Wolesi Jirga to a close, according to Article 83 of the Constitution: a five-year term, announcement of results and the date of 22 June. If the 2010 announcement of results (1 December 2010 ) is accepted as the start of the Wolesi Jirga's five-year term, however, polling should take place prior to the close of the term in December 2015. Precedent would support this approach: the two previous Wolesi Jirga elections (2005 and 2010) took place in September rather than April/May.
- Political. Following a period of protracted political instability in 2014, the new government will require a period to familiarize itself with the circumstances of governing and articulate priorities prior to entering into another potentially contentious political process. The new president may wish to consider whether membership of the Independent Elections Commission (IEC) and Independent Electoral Complaints Commission (IECC) should be reviewed.
- Institutional. Periods before and after an election are crucial to the development of sustainable capacity to plan, prepare, and successfully conduct elections. The IEC and IECC require an opportunity following the 2014 election to engage in evaluations, institution-strengthening, long-term capacity building, amendments to the legal framework, and planning for subsequent electoral events.
- Operational. If an April or May 2015 date was pursued for polling in the Wolesi Jirga election, the process would be expected to begin as soon as one month after the results of the contentious 2014 presidential polls, in October 2014. Such a timeline is neither politically nor operationally advisable. On the other hand, a polling date in late September or October would provide six months between final results in the 2014 presidential election (September 2014) and the start of the operational phase of the 2015 lower house election (March 2015). This timeline, though still tight, would enable a greater degree of planning and co-ordination, as well as time for the Independent

Directorate of Local Governance (IDLG) and Central Statistics Organisation (CSO) to execute their responsibilities under law (i.e. providing population statistics and defining constituency boundaries).

4. IEC/IECC credibility. Electoral management bodies in Afghanistan have proven themselves capable of managing complex electoral processes when afforded sufficient support, however the IEC and IECC must be allowed a period of time - preferably between four and six months - to consolidate their capacities prior to launching into a new electoral process. An operational pause of this duration would enable the incoming president to consider any outstanding appointments and would permit the IEC and IECC time to reinforce relationships with key stakeholders, thereby bolstering trust in the institution.
5. International electoral assistance. International electoral assistance currently provided by UNDP ELECT will continue to be required in light of the challenges described in this paper. Key partners indicated that they remain willing to support forthcoming electoral processes on two fronts: support to electoral operations (resources needed to conduct the election itself) and technical assistance (expert advice and support). The IEC and UNDP ELECT expect to articulate the level of additional resources required to sustain both technical and operational assistance through 2015 electoral processes.
6. Voter registration. The IEC is well positioned to administer a provincial-level “top-up” prior to polling in September 2015, an exercise that would require two or three months and could be implemented in tandem with the early stages of the electoral process. Although neither a full voter registration exercise nor a country-wide top-up are practical in light of time constraints and the ongoing *e-tazkira* initiative, a provincial-level top-up would provide voters turning 18 or who lost their registration cards with the opportunity to obtain a new card in time for polling.
7. Kuchi constituencies. A September 2015 polling date would provide sufficient time for IDLG to delineate Kuchi electoral “zones,” which were introduced in the 2013 electoral law (previously the entire country was considered one constituency for Kuchis). IDLG is required by law to provide electoral constituencies 180 days before polling and would therefore require several months of lead time to define these zones in consultation with Kuchi leaders. A nationwide Kuchi shura would be a sensible means to ensure that Kuchi leaders, government entities such as IDLG and electoral stakeholders are fully co-ordinated. Though such an initiative would necessarily be led by IDLG, the IEC would be able to support including by providing information on Kuchi polling patterns to date.
8. Electoral irregularities. Electoral irregularities have proved to be a persistent issue in all elections in Afghanistan to date, a tendency that is likely to continue in 2015 in the absence of decisive action on the part of law enforcement and the judicial branch of government. Measures

implemented by electoral authorities can mitigate but cannot fully overcome the permissive environment created by broader security, political and rule of law issues. In the case of district-level elections, large numbers of candidates combined with small constituencies mean that relatively small amounts of fraud carry the potential to seriously impact results. It is likely, therefore, that results in some areas will be contested.

9. Allocation of polling centres. One of the ways in which the absence of a voter register affects implementation of elections is that polling needs must be estimated based on previous voting patterns. On the one hand surplus centres can fuel irregularities, while on the other overcrowding of centres can undermine trust in the process. The IEC must carefully review allocation of polling centres to ensure voting patterns are accommodated.

### ***Electing district councils in 2015: key issues***

10. The fast-approaching nationwide Wolesi Jirga election presents an opportunity for the IEC and IECC to simultaneously implement district council races which - though they are constitutionally mandated - have not this far been conducted in Afghanistan. The opportunity to 'double-up,' a process that would imply far lower costs than a stand-alone exercise, will likely not present itself again until at least 2020 and therefore it is a good time for wider discussions on whether the political, legal and institutional conditions exist to install these bodies. Upon initial examination from an electoral standpoint both an adequate legal framework and sufficient capacity on the part of electoral authorities exist to carry out district council elections but concessions would need to be made in several areas.

11. Council size. Population figures updated in 2012 indicate that between 3,600 and 3,900 district council seats should be up for grabs (depending on the treatment of Kabul nahias), with an average of nine seats per district. The absence of reliable census data and the consequent uncertainty surrounding population figures, however, could result in complaints from populations that feel the number of seats allocated to their districts is incorrect. As part of the electoral process the Central Statistics Organisation (CSO) would establish a mechanism to manage disputes that fall outside the purview of the IEC and IECC, a function that can take place concurrently with the electoral process.

12. Voter registration. A voter register that includes residential information is desirable but is not a necessary precondition to holding district-level polls. Neither the 2004 Constitution nor the 2013 electoral law specify a residency requirement and therefore there is no legal obligation to assign voters to districts prior to opening polling or to verify their residence in a district. There are, of course, risks implied in this approach - for instance, spoilers could move voters across districts in order to buttress their favoured candidate or undermine rivals - and for this reason it is advisable that district council elections for the 398 districts take place concurrently, i.e. on the same day.

13. Boundary delineation. The Afghan Geodesy and Cartography Head Office (AGCHO) and IDLG in 2012 completed the definition of boundaries of districts, with maps subsequently provided to IEC showing 365 official districts, 33 provincial capitals, and Kabul and its nahias as a special administrative zone – for a total of 399 electoral constituencies. Independent experts have pointed out minor flaws in the delineation of boundaries, however the absence of a residency requirement means it is not necessary for boundaries to be minutely defined to conduct district council elections. Put simply, it is not necessary for voters to identify which district they are resident in prior to voting: s/he is free to vote on whichever side of the border s/he prefers.

14. Temporary districts. At present there are nine temporary districts that have been established by presidential decree. They are recognized by the Afghan government – indeed, the Afghan cabinet asked to include these districts in the 2013/14 voter registration exercise - however none of the nine temporary districts has yet received parliamentary approval, even though some of the presidential decrees are now six years old. From an electoral perspective, because these temporary districts have no legal basis they cannot have their own elected representatives at present. However, if district council elections are to occur in 2015, then that may well provide the necessary impetus for the Afghan government to formalize them. As with the voter registration exercise mentioned above, such a move could be easily accommodated by the IEC and IECC if made prior to the start of candidate nomination.

15. Special measures (quota). There is currently no quota for women in district councils mentioned in either the Constitution or the 2013 electoral law, as there is for provincial councils (20%) and the Wolesi Jirga (25%). IDLG's 2010 policy on sub-national governance states that 25% of district councils should be women however this figure does not currently have a basis in law.

16. Electoral dispute resolution. District-level elections would oblige the IECC to strengthen their abilities to manage processes originating at the district level, which could include hiring and training of district-level staff as well as procedures to accommodate district-level challenges and complaints.

17. Accreditation. The intensely local nature of district council polls is likely to result in increased deployment of candidate and party agents to polling stations, monitoring the process closely. The presence of agents, observers and media are key safeguards in electoral processes, and greater numbers of agents denote greater integrity of the polls.

18. Internal elections. The IEC has or could reasonably be expected to have a supervisory role over several internal elections related to district councils, many of which are mirrors of those already conducted by the IEC at the level of provincial council.

- Meshrano Jirga. The 34 posts in the Meshrano Jirga reserved for district council members are currently elected by provincial councils. It would be necessary to define a process for these seats to be vacated, for district council members to be elected, and for vacant seats in the affected district councils to be filled.
- Administrative board. The 2013 electoral law stipulates that the IEC is obliged to supervise internal elections of councils' administrative boards within twenty days of the final results, with re-elections would be held annually, however the exact composition, role and responsibilities of the board are not yet defined in either policy or law.
- Council president. Articles in the Constitution explicitly state that presidents of the district councils should form part of the Loya Jirga, including constitutional Loya Jirgas, though the relationship of this person to the administrative board is not explicitly stated, nor is it stated whether the election of this post is overseen by the IEC.

19. Security. Security conditions in some areas of the country preclude polling for district councils, in particular "black districts". In other districts such few polling centres are able to open and consequently district councils may not be considered sufficiently representative of the electorate for the results to be accepted, as was the case in some provinces following the 2010 Wolesi Jirga elections. A threshold percentage of polling centres open per district could be established.

20. Electoral irregularities. The risk exists that irregularities amongst several few centres could invalidate the results of entire districts, leaving them with no district council. Due to the smaller size of districts as compared with constituencies such as provinces, relatively small-scale electoral fraud would have the potential to seriously undermine the integrity of the polls in some areas.

21. By-elections. The electoral law states that by-elections should be held in case of assassination of any members, however, it is unlikely that such elections are feasible in light of the security conditions, capacity levels and resource levels that existed at the end of 2014.



## **X. ANNEXES**

**A. Annex 1: Financial Table**

**B. Annex 2: Expenses by Output**

**C. Annex 3: Expenses by Donor**

**D. Annex 4: Risk Log**

**E. Annex 5: Issue Log**

**F. Annex 6: Audit process chronology**