



FINAL EVALUATION

ENHANCING LEGAL AND ELECTORAL CAPACITY FOR TOMORROW PROJECT

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ACRONYMS

ANA	Afghan National Army
ANDS	Afghanistan National Development Strategy
ANP	Afghan National Police
ANSF	Afghan National Security Forces
BoC	Board of Commissioners
CEA	Chief Electoral Advisor
CEO	Chief Electoral Officer
CPAP	Country Programme Action Plan
CSO	Civil Society Organization
CTA	Chief Technical Advisor
DIM	Direct Implementation Modality
ECC	Electoral Complaints Commission
ELECT	Enhancing Legal and Electoral Capacity for Tomorrow
EMB	Electoral Management Body (IEC and ECC)
EU	European Union
FEFA	Free and Fair Elections Foundation of Afghanistan
ICT	Information Communication Technology
IEC	Independent Elections Commission
IFES	International Foundation for Electoral Systems
IRI	International Republican Institute
ISAF	International Security Assistance Force
IT	Information Technology
JEMB	Joint Electoral Management Body
MoJ	Ministry of Justice
MOU	Memorandum of Understanding
MP	Member of Parliament
NAM	Needs Assessment Mission
NDI	National Democratic Institute
OSCE	Organization for Security and Co-operation in Europe - Office for Democratic Institutions and Human Rights
PEC	Provincial Elections Commission
PECC	Provincial Electoral Complaint Commission
PMU	Project Management Unit
PO	Provincial Officer
SRSG	Special Representative of the Secretary General
STEP	Support to the Electoral Process
TA	Technical Assistance
TAF	The Asia Foundation
UNAMA	United Nations Assistance Mission to Afghanistan
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNIFEM	United Nations Development Fund for Women
USAID	United States Agency for International Development
USD	U.S. Dollar

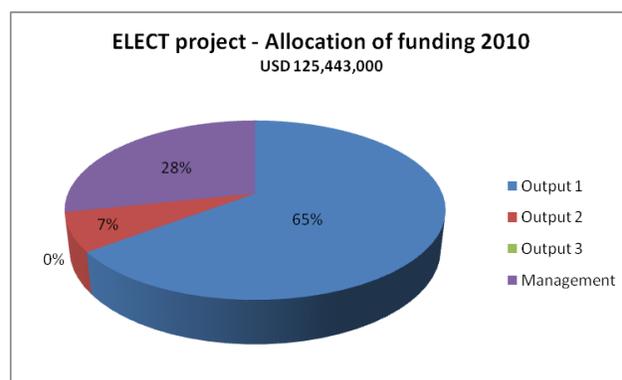
1. EXECUTIVE SUMMARY

The Enhancing Legal and Electoral Capacity for Tomorrow (ELECT) Project underwent a fundamental transformation in 2010 that refocused its energies in core activities for the organization of the parliamentary (*Wolesi Jirga*) elections, lowered its profile and increased the efficiency and effectiveness of its support. The final evaluation found that this transformation, driven by the change of leadership of both ELECT and the Independent Elections Commission (IEC) as the main recipient of the assistance, significantly rebuilt not only ELECT's credibility but also the UN's image, provided valuable technical advice to the electoral authorities, and effectively channeled large-scale donor funding to the 2010 electoral process.

Despite the extremely difficult conditions in Afghanistan and the daunting challenges facing the elections, ELECT met the United Nations Development Programme (UNDP) intended output for ELECT of "A strengthened Independent Electoral Commission conducts and supervises election." The IEC, with ELECT support, was able to organize and manage these elections with a reduced degree of direct ELECT implementation, and restored its own credibility which had also been damaged by the events in 2009. The Electoral Complaints Commission (ECC) was also able to adjudicate electoral complaints and challenges under a new organizational and adjudicatory model, for whose set up and operations the international support provided through ELECT was essential. The sustainability of this effort, however, is not certain without a truly independent IEC and an adjudicatory process with institutional memory. Achieving those objectives will require a scenario that combines Afghan-led electoral reform and continued assistance from the international community.

Background

The ELECT project started in 2006 and was the main vehicle for the international community to support the electoral authorities' planning and conduct of the 2009 and 2010 elections. ELECT was evaluated after the 2009 presidential elections. That midterm evaluation found that because of its structure and management style ELECT had difficult relationships with its partners and donors, had dissipated its support through a wide array of election-related activities that had even created some conflicts of interests, and had



assumed a more direct implementation role in the process than anticipated. As such, it had been perceived as implicitly responsible for failing to prevent the large-scale fraud that marred the 2009 results process. In those elections, more than 20% of the votes were eventually annulled and the incumbent, President Karzai, was declared the winner by the IEC after the runner-up candidate withdrew from the second round of balloting, alleging IEC bias.¹ ELECT was thoroughly revised in 2010, substantially reducing its scope and focusing its assistance on three outputs: (1) support to the IEC for a limited voter registration top-up and for the 2010 parliamentary elections; (2) support to the ECC; and,

¹ EU, *Final Report on the Presidential and Provincial Council Election 2009*, p. 6

(3) support for electoral reform and capacity building. Twenty-six donors channeled their assistance to the electoral process through ELECT for 2010.

UNDP/Afghanistan commissioned this final independent evaluation of its ELECT project. The purpose was to assess the assistance provided for the 2010 electoral cycle, looking at the efficacy of its revised project design, management, technical assistance and sustainability of the interventions. The evaluation's recommendations will help inform the design for the anticipated follow-on project. The evaluation took place in February-April 2011 but its field work was restricted by the security situation in the country, which coincided with the destruction of the UN compound and the killing of UN staff in Mazar-i-Sharif. It was also restricted by the unavailability and absence from the country of several key personnel who had participated in the preparation of the elections. This affected the depth of the evaluation. The team does believe, however, that it was able to derive a reasonably good understanding of the project activities and results, as detailed within the report.

Findings

Output 1: Support to the IEC to conduct a limited voter registration top-up as required for the 2010 election, capacity building through the provision of technical and operational support for the 2010 elections. Most of the ELECT support was focused on Output 1. As anticipated, it provided a combination of technical and operational advice to the IEC to support the voter registration top-up and parliamentary elections in 2010. This assistance resulted in:

- **A limited top-up registration drive** that provided cards to more than a quarter million new or relocated voters who were then able to vote in 2010;
- **Strengthened IEC** in terms of its strategic planning and operational capacities, increased fraud prevention and mitigation processes, increased leadership role in driving the electoral process and in coordinating the partnerships with the international community, which heightened stakeholder credibility of the institution and the acceptability of the 2010 election results;
- **Increased awareness of gender issues** within the IEC resulting in some measures being taken to improve the IEC working environment. However, increasing the number of female staff, especially at the senior management level, remains a challenge and the Gender Unit needs to become a permanent part of the IEC structure; and,
- **Restored credibility of the IEC** as a national institution capable of implementing elections in Afghanistan with a lower degree of international technical assistance.

Output 2: Capacity building, through technical and operational support to the ECC to manage their responsibilities in the conduct of the 2010 elections. ELECT support to the ECC was provided in coordination with the USAID-funded technical assistance project implemented by the International Foundation for Electoral Systems (IFES). A division of labor agreed between the projects gave IFES the primary technical assistance role for the ECC while ELECT provided operational support. In the midst of severe time constraints, there were disconnects between the advisory and operational functions, and the problems created by the incompatibility between UNDP's procurement rules and regulations and the timeframe, to undertake the massive operations required. However, the international support provided through ELECT was essential for the successful design, set up and operations of a new adjudicatory system for complaints and challenges. In particular, it resulted in:

- **Greatly facilitated ECC ability to process and adjudicate in a timely and proper manner** almost 6,000 challenges and complaints throughout the electoral process, under a new organizational model that conferred investigative and first instance adjudication powers to all 34 provincial offices;
- **Helped increase ECC credibility** as a reliable and independent electoral adjudication body through timely and effective technical advice for the definition of the legal and operational framework needed to conduct the challenges and complaint process, as well as through massive support for the timely set up and equipping of all of its provincial offices by helping the institution - which was appointed very late in the process - to establish its physical presence within all 34 provinces in a very short time; and,
- **Increased the credibility of the electoral process** through support of the ECC's operational needs, allowing it to process some 400 challenges to candidates' nominations, more than 1,250 campaign complaints, and 4,169 complaints related to polling and counting. The complexity of the adjudication process, especially for the complaints related to polling and counting, was lessened by the work done by the IEC in terms of the powers it exerted to invalidate fraudulent results.

Output 3: Support to electoral reform and EMB capacity building. ELECT did not allocate any funding specifically for this output as these activities were seen to be complementary to the activities implemented by the Chief Technical Adviser (CTA) and the technical advisors for the other outputs. Electoral reform support was also seen by ELECT and its donors as an on-request basis, due to the political context and need for an Afghan-led process, with the priority in 2010 to be on the holding of the parliamentary elections. Given the political uncertainties and deteriorating security environment, the evaluation team finds this to have been an appropriate approach. For the same reasons, and the constraints imposed by the urgencies of the electoral process underway, ELECT also approached capacity building as learning through the daily transfer of skill sets and mentorships and embedded its technical advisors within the IEC with specific counterparts to support. This was also appropriate given the 2010 context. More in-depth capacity building should be done now in the period between elections. However, there is a close relationship between capacity development, sustainability and electoral reform. Before the international community invests a significant level of effort in this, it should have at least guarantees from the Government on the independence of the IEC.

ELECT project design and management. The evaluation team found the 2010 redesign of ELECT redirected the project towards a much more effective approach than used in 2009. It strategically addressed some of the key problems that had afflicted ELECT in 2009, by devoting special attention to the urgent need of integrating and coordinating the political and technical UN support efforts, lowering ELECT's visibility, and raising the visibility of the Afghan electoral authorities, particularly the IEC as the leaders of the electoral process and ELECT's primary partners. It left the complementary assistance to bilateral assistance, retaining the coordination role - which was highly appreciated by the recipients. This more focused approach allowed the project to reduce the number of staff which was beneficial from a security perspective as well as a means to reduce its visibility and transfer responsibility to the IEC. This redesign, coupled with improved leadership in both ELECT and IEC, led to much better results. In addition, stakeholder and partner expectations were managed much more effectively through improved communications, information sharing and increased coordination by ELECT, the UNDP Country Office and the Special Representative of the Secretary General (SRSG). This led to a much better image

of ELECT and increased quality of work in 2010, while reinforcing the expected perception of an Afghan-led electoral process.

ELECT's project management and implementation faced serious constraints and challenges, especially in terms of time and security. The legal framework, election date, potential reforms to the IEC, structure of the ECC, role of the UN and level of international support had not been ascertained by the start of 2010. The ELECT project document revisions were not signed until May - four months before the elections. In addition, the October 2009 attack on the UN staff guesthouse that killed 12 persons (half of these ELECT staff) had led to a dramatic reduction of international staff and project capacity. Recruiting and retaining good staff was extremely difficult. ELECT was fortunate that it had been able to recruit as CTA a high-level expert whose diplomatic skills and leadership, combined with the full support and coordination with UNAMA and the UNDP Country Office, proved essential in turning ELECT around and helping it to regain the confidence of stakeholders and donors, eventually leading the Project to its successful conclusion. ELECT also benefited from a highly experienced Project Management Unit (PMU) Unit with strong leadership and expertise, whose increased controls over contracting, especially for transport, resulted in a savings of about USD 20 million for 2010. However, the latter's role needs to be more clearly defined in the future. In the perspective of a successor project, there is room and a need for improvement in terms of both structure and governance, i.e., as regards UNDP procurement regulations - which were so often inflexible and unresponsive to the tight electoral timeline and level of expenditure required that ELECT had to delegate 95% of its procurements to the IEC – or coordination and relations with technical advisors.

Conclusions

ELECT significantly improved its performance in 2010 and was perceived as an effective partner that provided valuable technical advice and strong operational support. In stark contrast to 2009, its presence was seen as having mitigated the scope of potential problems. These improvements were a combination of ELECT's more focused nature, the experience delivered in 2009, and the new leadership within ELECT and the IEC. Together with the SRS and UNDP Country Office, they built a more cohesive team that brought the diversity of stakeholders together for a more integrated and effective assistance effort.

The primary challenge facing ELECT in the post-election environment is how it can best use its remaining time and resources to assist the IEC to maintain and consolidate the gains made during 2010. Many of these were based on individuals, and now need to be institutionalized. At the same time, many of such gains might be lost if the leadership changed within the IEC. The situation within Afghanistan remains fragile and the ability of the IEC to maintain the independence displayed throughout the parliamentary elections and the results process, together with the changes needed to guarantee this independence, deserve a careful and comprehensive assessment before a follow-on project is designed.

As a result, the evaluation team would suggest the following **recommendations**:

- **Maintain international focus on the capacity building and development of the EMB**, which at this stage requires a real commitment of the national authorities to respect and guarantee the latter's effective independence, and thus build broader government ownership and responsibility for the holding of free and fair elections. This commitment is a prerequisite for any capacity building assistance to be sustainable over the long term and for the IEC to be able to make the institutional changes needed to minimize the impact of political pressure and

malfeasance. This effort will require long-term monitoring by and coordination within the international community to ensure its continued support and unity of message. A first step should be to request a formal government commitment to increase funding to the IEC and to start the promised electoral reform process. The team also recommends consideration of conditioning donor support on fundamental reforms aimed at ensuring IEC's sustainability and independence. This issue should be further explored by the Needs Assessment Mission that looks at both the political climate and technical needs related to the design of the follow-on project to ELECT.

- **Maintain international support for the IEC under an umbrella project led by UNDP**, which has proven itself in ELECT in 2010 and which has the long-term institutional development and capacity-building perspective needed for effective assistance to the IEC for any future endeavors. The combined weight of UNDP and UNAMA, coupled with the large-scale funding provided by donors through the project, gives it the ability to make greater changes than disparate efforts funded individually.
- **Support the development of a comprehensive and sustainable voter registry.** A realistic effort is needed to help solve the complex issue of creating a comprehensive, accurate and sustainable voter registration database linked to a proper boundary delimitation process and allowing for the holding of elections at the district and local levels. This process should start with an in-depth assessment of the current register, systems and register needs. Such an assessment should recommend options regarding the types of systems that are the most appropriate for the Afghanistan context, including one which the IEC could maintain over the long term.
- **Deepen synergies with bilateral programmes that address political culture** and other contextual issues that adversely affect the integrity of the electoral process. Many of these problems, such as electoral corruption, are deeply rooted and require an integrated and multifaceted approach by donors. ELECT set a precedent for good coordination of election support. This should be expanded by its follow-on project to the broader climate within which electoral actors (IEC, political parties, candidates, legislators, Government and civil society) operate.

2. BACKGROUND

2.1. Elections in Afghanistan

Afghanistan has undergone a major transition since the fall of the Taliban government in 2001. It adopted a new constitution in 2004 that provided for a strong presidential system, with a president elected for five-year terms and a bi-cameral National Assembly including an elected lower house (*Wolesi Jirga*). The first elections for President in 2005 and for Parliament and provincial councils in 2006 were implemented by a Joint Electoral Management Body (JEMB). The JEMB was comprised of UN and Afghan members and staff, and the UN played an executive role in the process.

The elections for President and provincial councils in 2009, and for Parliament in 2010, were the first Afghan-led elections run by an Independent Elections Commission. The international community assisted this process through a comprehensive effort of political, technical, financial, logistical, and security support. Donors provided almost USD 500 million in assistance, with more than USD 380 million channeled through UNDP's Enhancing Legal and Electoral Capacity for Tomorrow project.

Electoral authorities

Two separate and clearly differentiated bodies share electoral powers in Afghanistan: the IEC, which is the supreme authority responsible for the preparation, organization, conduct and oversight of all elections and referenda; and the Electoral Complaints Commission (ECC), which is responsible for hearing and adjudicating all challenges and complaints related to the electoral process.

Created in 2005, the **IEC** is a permanent body comprised of a Board of Commissioners (BoC) which is its decision-making body, and a Secretariat that is responsible for all executive functions. The BoC is comprised of nine Commissioners, including a chairperson and a deputy. The IEC is responsible for adopting all necessary regulations to ensure the credibility of the elections, and is vested with powers to conduct all required functions, such as voter and candidate registration; regulation and oversight of electoral campaigns, including the use of media; design and distribution of all electoral materials and documentation; accreditation of national and international observers; polling and counting operations; announcement of preliminary results; and certification of final results. Although the IEC is formally an independent body, the fact that all members of the BoC and the Chief Electoral Officer (CEO) are appointed with a high level of discretion by the President has raised serious doubts in past elections about its impartiality.

The Secretariat of the IEC is headed by the CEO and two deputies, one in charge of administrative issues and the other of operational issues. The IEC headquarters are in Kabul, and it operates through offices in the 34 provinces. The central structure of the IEC Secretariat is made up of nine departments in charge of specific duties: 1. External Relations; 2. Finance and Administration; 3. Field Operations; 4. Information and Technology; 5. Logistics; 6. Planning and Procedures; 7. Public Outreach; 8. Training and Capacity Development, and 9. Legal Affairs. The IEC's field structure comprises 34 permanent provincial offices, and has temporary staff at the district and polling center level during electoral periods.

The **ECC** is an independent body originally established by provisions in the 2005 Electoral Law. It only operates during election periods, and is responsible for hearing and adjudicating all complaints and

challenges related to the electoral process. Based in Kabul, it is made up of five commissioners, including a chairperson. It also has representative offices (Provincial Electoral Complaints Commissions or PECC's) in all provincial capitals. In 2009, it had three international members appointed by the UN SRSB and two Afghans appointed by the Supreme Court and the Afghanistan Independent Human Rights Commission.

Voter registration

Afghanistan has yet to create a comprehensive and accurate voter register², which is typically one of the fundamental requirements for the integrity and credibility of any electoral process. Due to the conditions prevailing in Afghanistan, it has not been feasible to carry out a national census for the past 35 years, although a partial one was conducted in 1976. There is also no single national identification system that could generate reliable figures on the voting-age population required for electoral purposes, or to create a reliable voter registration database.

The registration approach adopted by the JEMB in 2003 has essentially remained unchanged: interested persons must go to a designated registration center and personally request to be registered. In order to obtain a voter card, they must show an identification document or provide the registration officer with personal data attesting that they meet the legal requirements. In 2009, the IEC updated the 2004-2005 voter register by issuing additional cards to new voters, using a different system. Issuing registration cards has never been subjected to any control to prevent, detect or exclude duplications or multiple registrations, so that such an updating eventually added 4.7 million voter cards to the 12.5 million cards previously issued - for a voting population estimated at around 11 million.³ The ELECT mid-term Evaluation found that the cards were issued without effective safeguards, and the use of different systems meant the two databases were incompatible. As a result, the IEC was unable to create a nationwide voter information database and voter lists that could be used to identify by polling center/station those eligible and registered to vote.

The flawed voter registration process has directly affected the integrity of the electoral process and raised continual allegations that the misuse and manipulation of the cards affected the election results. Just as importantly, it has affected candidate and voter perceptions regarding the reliability of such cards. Although an election could take place without a voter registration data base and/or voter lists at center/station level, other contingency measures - such as availability of indelible ink and mobility restrictions - are needed, in addition to adequate security controls for the handling of sensitive materials. Such measures can be difficult to implement and enforce, especially within the post-conflict context of Afghanistan with its climate of continuing insecurity, culture of impunity and lack of rule of law.

2009 Electoral process

The 2009 presidential elections were the first ones fully organized and implemented under Afghan leadership. Delivering an election in Afghanistan is not easy. As noted in the ELECT Mid-Term Evaluation, *"The difficulties of the Afghan context cannot be overstated in their impact upon electoral preparations and operations. These include the limitations that the climate places on the electoral calendar, the deterioration of the security situation- which is markedly worse than during the 2004/5 electoral cycles; the politics of Afghanistan - which impacted the election date during 2009 and*

² One that is inclusive with correct and updated information for all.

³ EU, Op Cit, p 4

shortened planning timelines; poor infrastructure and punishing landscape; and the limited experience of democracy in Afghanistan coupled with low levels of human development."⁴ Other factors that made 2009 different from 2004-2005 were the increased perceptions of fraud triggered by the measures taken by the IEC – including the invalidation of 20% of the votes -, the sharp deterioration in security conditions in several regions, the new electoral codes and a newly acquired ability of political forces, power brokers and candidates to play the electoral game and skirt its rules when convenient.

Most observers considered the IEC functioned efficiently and was able to keep to the electoral timeline despite the many challenges. However, it was not perceived as independent, impartial, or transparent. Most of its commissioners had been selected by the President and many of their decisions were controversial. This included setting a 20 August 2009 election date when the Constitution required the presidential election to be held before the end of the President's term (22 May 2009). This issue was ultimately resolved by President Karzai handing power to a caretaker government for the interim period.

Seventy-seven candidates registered for the presidential elections, almost all as independents, including President Karzai⁵; and 3,193 candidates ran for provincial councils, including 33 women. Voting was conducted amidst an upsurge of armed conflict (especially in the southern and eastern regions), and there were widespread allegations of fraud and manipulation of the election results. 2,584 complaints were submitted to the ECC on irregularities and discrepancies between the low turnout numbers and the preliminary results. The European Union (EU) observation mission estimated some 1.6 million votes were suspect, with the vast majority of those in favor of President Karzai, who had received 54.6% of the valid votes according to those preliminary results.⁶

The ECC ordered the IEC to audit a sample of suspicious boxes from 3,376 polling stations (roughly 15% of the total scheduled to open on elections day). About 10% of the ballots were examined using an internationally-accepted random sampling methodology recommended by the UN experts. This resulted in the invalidation of approximately 1.2 million votes out of the roughly 5.5 million cast. The IEC scheduled a runoff election for 7 November between President Karzai and his main opponent, Abdullah Abdullah. The latter withdrew from the race on 1 November, citing the IEC's lack of transparency and independence. The IEC cancelled the election the next day and President Karzai was declared the winner.⁷

Socio-cultural and political context

Corruption within Afghanistan is a major issue. According to a recent assessment, *"Corruption, defined as 'the abuse of public position for private gain' is a significant and growing problem across Afghanistan that undermines security, development, and state and democracy-building objectives. Pervasive, entrenched, and systemic corruption is now at an unprecedented scope in the country's history. Thirty years of conflict that has weakened underdeveloped state institutions and the country's social fabric, Afghanistan's dominant role in worldwide opium and heroin production, and the tremendous size and diversity of international security, humanitarian and development assistance, all increase Afghanistan's vulnerability to corruption."*⁸ This is further evidenced by the Transparency International's Corruption

⁴ *Mid-Term Evaluation of the Project Enhancing Legal and Electoral Capacity for Tomorrow (ELECT)*, p i

⁵ The Constitution allows for presidents to serve two terms.

⁶ Information from the IEC and EU, Op. cit., p. 10

⁷ EU, Op. cit., p. 6

⁸ USAID/Afghanistan, *Assessment of Corruption in Afghanistan*, p. 1

Perception Index, according to which Afghanistan, which was ranked at 117 out of 159 in 2005, was 179 out of 180 countries in 2009 - surpassed only by Somalia.

The issue of fraud brought major controversy to the 2009 elections. Although these elections were conducted with almost the same set of rules, regulations, and procedures as the previous electoral consultations, the outcome was very different. While the IEC was able to identify and confirm fraud when it happened, it was unable to prevent it during the results process.⁹ International observers noted that the climate of impunity and insecurity severely damaged citizen faith in the credibility and effectiveness of democratic governance, and undermined confidence in the electoral process.¹⁰ The mix of socio-cultural traditions and values, along with the pressures exerted by some stakeholders at local levels over IEC staff, provided space for malfeasance by the latter.

Overcoming these systemic attitudes and practices, and restoring the credibility of the process will not be easy and will take time and effort. But it is important to keep in mind that this cannot be remedied solely by the electoral authorities. It requires the involvement and participation of all stakeholders. Many of the defeated candidates attributed their loss to intimidation and malpractice by others, rather than seeing the effect of their own actions. Electoral fraud is fundamentally a form of corruption, and corruption is fundamentally a sociological and economic phenomenon that defies technocratic band-aids.

2.2. 2010 electoral cycle

The 2010 elections for the *Wolesi Jirga* were organized in the wake of the controversial 2009 elections, and within a very tight timeframe and deteriorating security environment. Originally scheduled for 22 May 2010, they were postponed to 18 September 2010 for security and logistical reasons. The district council and mayoral elections that were supposed to have been held with them were postponed indefinitely.

In February 2010, a presidential decree abruptly amended the Electoral Law of 2005 and introduced several important changes for both the IEC and ECC. It set some new provisions for the IEC, new powers for the Media Commission, and decentralized and “Afghanized” the ECC. For the IEC, the scope of the amendments was limited and showed contrasting tones. For instance, while a new provision prohibited official government interference in electoral affairs,¹¹ another, requiring impartiality of and respect of confidentiality by electoral officials, was removed. The decree also provided for the quarantine and invalidation of ballot boxes. Its late enactment also left limited time for the IEC to implement the new procedures and regulations.

Such a late enactment also placed the ECC in an even more precarious situation. As a temporary body that forms only in the run-up to elections, the ECC had to start anew, devoting its initial efforts to basic activities such as procurement of office materials, furniture and equipment. The burden placed on the ECC by the late start and its temporary nature was exacerbated by the decree’s requirement that it open offices in all the districts of Afghanistan. The new decree also stipulated that the President appoint all of the commissioners, including the two international members. It attempted to address some of the

⁹ *Mid-Term ELECT Evaluation Report*, p. iv

¹⁰ EU, Op. cit., p. 4

¹¹ Reiterating provisions of a May 2009 presidential decree for the then upcoming presidential elections.

issues related to the temporary nature and limited operating time of the ECC by slightly increasing the period of time for setting it up (120 days prior to the election) and closing it down (two months after certification of results). But, more importantly, it conferred substantive jurisdictional functions and powers to the PECC's to deal with and adjudicate complaints initially or in first instance. This significantly expanded the previously very limited support they could provide to the ECC as offices were now required to be opened in all 34 provinces.

A limited updating of the voter register was done between 22 March and 21 April, with 376,081 new registrations, 35% of which corresponded to women and Kuchi nomads. There was still no consolidated voter register, as the updating used the 2009 system. The limited scope of the voter registration exercise was motivated by the assessment that a generalized voter registration would open the door to increased fraud, duplication and disarray in the voter register.

A decisive moment that improved the 2010 process and helped restore the credibility of the IEC came in early April when the Government announced the resignation of the IEC chairman and CEO, following intensive lobbying by Afghan civil society and the international community. A few weeks later, the President appointed their replacements: Fazel Ahmad Manawi was promoted from member to Chairman of the BoC (23 April), and Abdullah Ahmadzai, a former JEMB and IEC chief of operations, was designated as CEO (2 May). Aware of the flaws and shortcoming of the previous elections and of the scope of the powers and resources it had to avoid repeating them, the new IEC leadership adopted and implemented a series of measures to increase transparency and to improve planning and procedures, as well as to mitigate the risks of misconduct and fraud, in particular those that might be related to or involve the behavior of the Commission's staff.

In this regard, it is worthwhile to highlight the following measures:

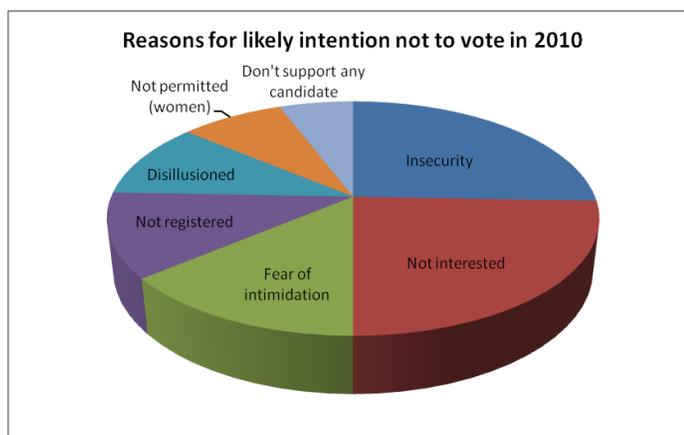
- The dismissal of four of the heads of the Provincial Offices (PO) who were found guilty of irregularities in the 2009 elections, and the temporary reallocation of all 34 PO heads to new provinces in order to reduce the risks of corruption or favoritism due to entrenched power and patronage networks.
- The introduction of a new recruitment system for temporary staff (nearly 83,000 people including district field coordinators, voter educators, and polling staff). This was conducted centrally to avoid patronage, and took into consideration previous performance. A list of 6,000 staff believed to have had been involved in the irregularities observed in 2009 was established in order to prevent their being hired again. Nevertheless, some international observers felt that the process lacked transparency as the list and hiring procedures were not made public. This also limited the capability of those civil society organizations (CSOs) who were asked to comment on lists of potential recruits by the IEC to know if these persons were included in such a list.¹²
- The Provincial Officers were instructed to reallocate district field coordinators in cases where they faced risks of undue influence or pressure in their assigned area of jurisdiction.

The IEC also drafted a consistent, realistic and detailed operational plan which was approved by the BoC during the first week of June. Although the formal aspects of the plan did not differ much from plans prepared for previous elections, it was a substantial improvement in terms of the care and efforts

¹² EU, *Parliamentary Elections, Report*, p. 10

deployed by the IEC to implement it despite the highly complicated and adverse conditions. This was considered as an important achievement by observers.

A new Political Party Law was issued in 2010, designed in part to address the proliferation of parties. One hundred and ten parties had registered with the Ministry of Justice (MoJ). The new law raised membership requirements from 750 to 10,000 members and representation requirements to 22 provinces out of the total 34.¹³ Parties reportedly had difficulties in registering with the MoJ by the 21 June 2010 deadline and fielded only 31 candidates. Nevertheless, the elections were competitive, with 2,506 candidates, almost all independents, running for the 249 seats. Ten of these seats were reserved for representatives of the Kuchi nomad population and the remaining 239 were allocated to multi-member constituencies split proportionally according to population among the 34 provinces. A quota for women required, on average, at least two female candidates per province to be elected. Women were under-represented in the process, comprising only 16% of the candidates. The IEC also accredited 15 different domestic observation groups. The largest was the Free and Fair Elections Foundation of Afghanistan (FEFA), a network of around 24 civil society organizations with 7,000 observers, a third of these women.



Source: The Asia Foundation, *A Survey of the Afghan People, 2010*

The security situation continued to deteriorate in 2010 - incidents were up 40% for the first half of the year over the same period in 2009.¹⁴ While the South was especially insecure, over a third of the country in general was considered high risk. This affected electoral operations as well as political campaigns. Movement was restricted and candidates, electoral staff and others were targeted, with some abducted, killed, and many more intimidated and coerced - as documented in the election observation reports. As a result of a security assessment conducted by the Afghan security forces, the IEC, decided in mid-August, to reduce the number of polling centers by 900. Some of these centers were among those implicated in the irregularities of 2009. This lowered the number of polling centers to 5,897, with 18,762 polling stations, and reduced the staffing requirements from 120,000 to 86,000 people.

On elections day, observers reported a high number of incidents, fraud and irregularities - which included use of fake voter registration cards,¹⁵ ballot box stuffing and underage voting. The ECC received 5,856 complaints related to polling and counting, most of which were adjudicated at provincial level. 2,495 of such complaints were categorized as "A- Could alter the results of the election."¹⁶ The IEC had developed an extensive fraud mitigation strategy for the control and handling of sensitive materials through a fully automated and centralized system, and in the tally procedures. Nearly 40% of the ballot boxes were audited or recounted as a result of the measures adopted to identify and review

¹³ EU, *Parliamentary Elections Report*, p. 4

¹⁴ *Ibid.*, p. 5

¹⁵ Although the usefulness of a fake card is dubious due to the surplus of legitimate cards in the market.

¹⁶ OSCE, *Parliamentary Elections*, p. 11

suspected irregularities in the results forms received at the National Tally Center. This resulted in the invalidation of 1.3 million ballots. However, according to some observer reports, such invalidation was done in many instances without accurate explanations and could not be appealed. The preliminary results and the list of elected candidates were announced on 20 October and the final results on 24 November (with Ghazni province released on 1 December). At the end of December, President Karzai announced the creation of a special court to investigate election fraud. In January 2011, he also announced that the newly elected Members of Parliament (MPs) would not be inaugurated until the Court finished its investigation. International pressure contributed to the new parliament being installed as planned, but the issue of the Special Court and its investigation had not been resolved as of the time of this final ELECT evaluation.

2.3. Assistance to the electoral process

The international community actively supported the democratic transition in Afghanistan, including its elections in 2004-2005 and 2009-2010. Although the 2010 elections were not as high profile as the presidential elections of 2009, they were still perceived as important in terms of balancing the power of the executive. For the 2010 elections, President Karzai requested UN assistance in March 2010. UN Security Council Resolution 1917 of 22 March 2010 mandated the UN Assistance Mission to Afghanistan (UNAMA) and the SRSG to coordinate international assistance for these elections, and for UNDP to provide *“technical assistance, coordinating other international donors, agencies and organizations providing assistance and channeling existing and additional funds earmarked to support the process.”*

Under the leadership of the SRSG, UNAMA provided guidelines for the support of the process and spearheaded a comprehensive programme to support the efforts of Afghan electoral authorities to prepare and conduct credible elections in the insecure and socio-politically unstable environment. That objective was based on the assumption that credible leadership and strong institutions were necessary for stability and a precursor to reconstruction and development.¹⁷ Political assistance was provided through the UNAMA Department of Political Affairs, with technical and financial assistance through ELECT, and logistical and security assistance provided through UNOPS (with ELECT funding). Assistance was also provided through NATO’s International Security Forces (ISAF) which had more than 85,000 troops in country.¹⁸ ELECT also coordinated support related to other areas of the elections, including assistance to civic education, observation, political parties and candidates, and the media. It also channeled donor funds to other security-related activities that impinged on elections.

Complementary assistance was provided by a range of donors. USAID had a bilateral programme in addition to funding provided through ELECT. Its Support to the Electoral Process (STEP) project implemented by IFES intended to increase electoral capacity, improve electoral administration and voter education through technical support to the IEC, ECC and local civil society actors. To better serve the needs of the beneficiaries and avoid duplication of efforts, ELECT and IFES agreed that IFES would focus its technical assistance primarily on support to the ECC. STEP’s voter education efforts were done through local civil society organizations in 9,000 villages. In addition, USAID supported international and national election observation, public and political participation and oversight; public opinion surveying; and technical support to improve electoral administration. Its implementing organizations included The

¹⁷ ELECT, *2010 Annual Report*, p. 7 .

¹⁸ *International Security Assistance Force and Afghan National Army Strength and Laydown*, 2010

Asia Foundation (TAF), the National Democratic Institute (NDI), International Republican Institute (IRI), Internews, and Democracy International (DI).

Other complementary assistance came, i.a., from: Australia, which supported domestic observation, media monitoring, capacity building of the IEC and civic education through TAF; Canada, which supported voter education also through TAF; the Netherlands which supported the BBC World Trust programming that incorporates civic education elements; the U.S. Department of State, which supported voter education through Equal Access; and Germany, which supported political party and candidate development, and participated through the Friedrich-Ebert-Stiftung Foundation. UNIFEM supported women's participation in the process, and in particular that of women candidates. The EU undertook international observation and provided police training for elections security. ISAF supported media strategy programming as well as elections security and logistical support. Polling station security was provided by the Afghan National Police (ANP), with area security support from the Afghan National Army (ANA). ANA and ISAF helped provide air transport for sensitive materials, in addition to providing quick reaction forces. ISAF also helped ensure freedom of movement and *in extremis* support for international observers.¹⁹

2.4. ELECT project

The ELECT project was the main vehicle through which the international community supported Afghan electoral authorities to plan and conduct the 2009 and 2010 elections. This USD 327 million project provided technical assistance, support and advice to the IEC and to the ECC, as well as to domestic observers, civic education and other complementary activities in 2009. It managed a basket fund with funds from 26 donors to support the elections.

ELECT was formulated in 2006 based on recommendations made by both the JEMB and the Post-Elections Strategy Group that called on the international community to support the newly established IEC to plan and conduct future elections. ELECT shares and contributed to the goals set out in the Afghan National Development Strategy (ANDS)²⁰ and the UN Development Assistance Framework (UNDAF). It also takes into account that UNDP operates under the overall mandate of UNAMA in Afghanistan. ELECT's original focus was to support the IEC to conduct a voter and civil registration pilot project.

ELECT's 2006 objectives:

1. IECs's institutional capacity further built to carry out its mandate as an independent constitutional body;
2. Effective legal and institutional environment in place to enable the IEC to execute its responsibilities; and,
3. Joint voter and civil registration pilot project to establish a permanent civil and voter register with a single national identity document.

¹⁹ UNAMA, *Wolesi Jirga Elections 2010 Factsheet #9, Election Security*

²⁰ Articulated in the *United National Development Assistance Framework (UNDAF)* in support of the *Afghan National Development Strategy: Country Programme Action Plan (CPAP)*; and *UNDP Strategic Plan for 2008-2011*

In 2008, ELECT underwent two major revisions. The first delinked voter registration assistance from a civil registry and the second supported the IEC for the elections in 2009 and 2010. It also expanded the project's support to the entire electoral process. These **additional objectives** were:

4. Strengthen the IEC's capacity to design and implement sustainable national registration programme, to inform and engage the Afghan public and to deliver a credible voter register in time for national elections in 2009 and 2010;
5. Support the IEC in the delivery of credible, sustainable, electoral processes in 2009 and 2010 - national elections conducted by the IEC and other responsible bodies with minimal disruptions or controversy; and support the broader electoral framework through capacity building, engagement with and support to civic and voter education, media development, political parties, domestic observation and emerging issues;
6. An increasingly self-reliant IEC with a post-elections plan. IEC has a continuing mandate, and approved plan, access to financing, and the management structure, staffing, and inventory needed to better maintain its electoral function beyond 2010;
7. An environment conducive to public participation. Police, candidates/agents, domestic observers and the media each play a more positive role in the electoral process according to their mandates with specific activities; and
8. Informed participation of the Afghan electorate in the 2009 and 2010 elections to promote voter education and civic engagement in the electoral process.

The problems in the 2009 elections raised serious doubts among stakeholders as to the viability of the 2010 parliamentary elections and questions about the best way to support it. ELECT was perceived as implicitly responsible for the process and were therefore widely blamed for its defects.²¹ This was evident in the 2009 EU election observation report:

*"The 2009 Presidential and Provincial Council elections were the first after the fall of the Taliban in 2001 to be organized by Afghan institutions, albeit with significant international technical assistance and capacity-building support by mainly the UN Development Programme's Electoral and Legal Capacity for Tomorrow project (ELECT). The success of the ELECT project however, was affected by the fact that, despite recommendations made in 2005, the international community only started to address essential organisational needs for the 2009 elections in late 2008. The project took on too broad a mandate, and at times, UNDP ELECT effectively acted as an institution parallel to national authorities. International advisors working for ELECT were also at times uncooperative or obstructive when the EU EOM sought necessary information."*²²

UNDP commissioned an external **mid-term evaluation** in September 2009 to assess ELECT's performance. The evaluation team noted a number of issues which included: i) an overly centralized project structure with the functions of technical advice to recipient organizations, ELECT programme management, and political advice to UNAMA all within the hands of the Chief Electoral Advisor (CEA); ii) a management style that lacked transparency and receptiveness to outside assistance and information sharing; iii) intermittently combative relations with stakeholders, including Afghan partners and donors; iv) relinquished capacity development for a more direct implementation role with the IEC; and v) struggle with the ECC over its budget and structure that delayed ECC operations, limiting its outreach and capacity.

²¹ ELECT, *Annual Progress Report - 2010*, p. 7

²² EU, *Final Report Presidential and Provincial Council Elections*, p.1

The mid-term evaluation also assessed the delivery of ELECT technical outputs, finding that: i) voter registration was done without correcting problems from the previous database and issuing new cards without safeguards against multiple or proxy registration, and with a register that was unable to produce voters lists for the 2009 -2010 elections; and ii) that electoral operations were carried out with a high level of effort and competence, but failed to minimize disruption and corruption, which was the goal of ELECT. *“There were political, procedural and operational reasons for this outcome, but the lack of anticipation of problems and corresponding planning to mitigate them played a significant role.”*²³

The **mid-term evaluation recommendations** included i) separating the three CEA functions; ii) fully embedding TA within organizations; iii) putting a quality assurance mechanism into place for the delivery of technical assistance; iv) closer UNDP Country Office supervision for project management; v) situating the ELECT political expert in UNAMA; vi) splitting off support to the broader process, such as civic education and domestic observation into separate projects; vi) focusing on fraud prevention and detection, as well as on the handling of election result processes; vii) avoiding extensive emergency measures to support the IEC; and viii) conducting an electoral Needs Assessment Mission (NAM) to determine support beyond 2010 and to deliver a complete and credible voter register before the 2013 electoral cycle.

ELECT was substantially revised following the mid-tem evaluation, with input from the international community and the IEC, and the request from the Afghan government for international technical and logistical support for the 2010 elections. The revision delineates the expected voter registration top-up exercise and preparation and conduct of the parliamentary elections; identifies a sustainability and capacity-building strategy for the IEC; reviews other support to related processes in the broader electoral environment and establishes the basis for a reform of ELECT governance and management structures.

Revised outputs for 2010:

1. **Support to the IEC** to conduct a limited voter registration top-up as required for the 2010 elections; and capacity building through the provision of technical and operational assistance for the 2010. This was to be done by i) technical assistance in core areas or those areas critical to the successful implementation of the elections; ii) operational assistance provided in areas where the IEC required support to implement its mandate (procurement of electoral goods and services, their transport, and operational support for the communications and information technology (ICT), and finance and administration departments;
2. Capacity building through technical and operational **support to the ECC** to manage their responsibilities in the conduct of the 2010 elections. This was primarily through: i) operational assistance for areas where the ECC needed support to fulfill its mandate (budget planning,

ELECT Project Objectives 2010
<p>UNDAF Outcome (UNDAF 3): The institutions of democratic governance are integrated components of the nation state</p> <p>Expected CP Outcome (CPAP Outcome 4): The state and non-state institutions are better able to promote democratic participation and be accountable to the public</p> <p>Expected CP Outputs 4.1: A strengthened Independent Electoral Commission conducts and supervises elections 4.2: National institutions, ECC, civil society organizations, political parties and a well-informed electorate (including women and marginalized groups) contribute to credible elections.</p>

²³ ELECT, *Mid-Term Evaluation* p. iv

human resources, office management, logistics, transportation and security) and ii) coordination of international assistance to the ECC; and,

3. **Support to long-term electoral reform** and capacity building of the electoral management bodies. This was largely seen as a political process that required Afghan leadership and ELECT's role would be limited to contributing to a full understanding by relevant stakeholders of the implications of existing and proposed legislation, international conventions and IEC regulations.

ELECT Donors 2010
Australia, Belgium, Canada, Croatia, Denmark, EU, Estonia, Finland, France, Germany, India, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway States, Republic of Korea, Spain, Sweden, Switzerland, Turkey, United Kingdom, UNDEF, UNDP, USA

ELECT's budget for 2010 was USD 125,443,000, all of this provided by donors. The project was Direct Implementation Modality (DIM) with an anticipated staff of 88 internationals and more than 200 nationals and offices in Kabul and 7 provinces.

The revised project document was signed in May 2010 with an anticipated end of project date of 31 March 2011. This date was extended in January 2011 to 30 June 2011 so that ELECT could bridge the period until the anticipated follow-on project could start.

2.5. Final evaluation of ELECT

UNDP/Afghanistan commissioned this final independent evaluation of its ELECT project assistance to the 2010 electoral cycle. Earlier years of the project were not evaluated as these were covered under the 2009 mid-term evaluation.

The purpose of the final evaluation was to assess the efficacy of the project design and governance structure, relevance of the project outputs, specific contributions and impact to its three outputs, efficiency and effectiveness of technical assistance, and sustainability of the interventions for the 2010 elections. The evaluators were asked to highlight the strengths, weaknesses, and good practices of the ELECT project and provide forward-looking recommendations for future assistance to Afghan electoral institutions.

The evaluation took place between February and April 2011, with the field work done in March 2011. It was conducted by Jacques Carrio, Team Leader; Sue Nelson, Expert in Elections Assistance and Project Evaluation; Carmina Sanchis Ruescas, Expert in Elections Assistance and Project Management; Mauricio Claudio, Expert on International Technical Assistance; and Carlos Navarro, Expert in Elections Management and Comparative Experiences. The team used a triangulation methodology to undertake the evaluation. In particular, it:

- Reviewed ELECT and other documentation, including UNAMA reports, those of other donors and assistance providers, and 2009/2010 observation reports (Annex 1);
- Collected perceptions and information on ELECT through interviews with UNDP, the ELECT project staff, UNAMA, international community, IEC, ECC, Afghan government and others in Afghanistan, internal discussions and interviews of former staff in Dubai, and e-communications with those involved in the process who had already left the country (Annex 2); and
- Validated information through these two means as well as through the use of additional data sources and third party interviews.

The evaluation team produced this Final Evaluation Report which will be used by UNDP and the IEC to inform the design of the follow-on project and to improve elections assistance projects in similar circumstances. Findings are organized around the achievement of the three anticipated outputs for the 2010 electoral cycle followed by project design, implementation, management, and coordination elements. It closes with the evaluation's conclusions and recommendations.

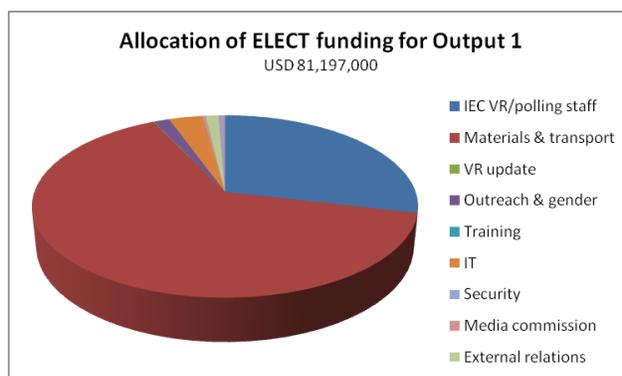
The evaluation was conducted well after the 2010 elections when many of the project staff and those who had worked on the process had already left posts that they held during the electoral period. It was also conducted in stages due to time constraints faced by the evaluation team members. In addition, security conditions within the country did not allow for field visits and a more comprehensive approach to collecting data and perceptions in-country, in particular with IEC and ECC commissioners, staff and facilities in greater Kabul and outside of the capital. Security conditions also abbreviated the anticipated time in country. This has affected the depth of the evaluation, especially in terms of assessing the quality of implementation and the sustainability of assistance. These are issues that a follow-on NAM should address if security conditions allow. However, the evaluation team believes it was able to derive a reasonably accurate picture and a good understanding of the project and of its main activities and results as detailed within this report.

3. FINDINGS

3.1. Output 1: Support for the IEC

The objective for Output 1 was: *“Support to the IEC to conduct a limited voter registration top-up as required for the 2010 election; and capacity building through the provision of technical and operational support for the 2010 election.”*²⁴ To accomplish this, ELECT intended to support a voter registration update for those who turned 18 years of age, moved provinces or lost their cards, as well as to provide technical expertise and operational assistance to the IEC for the functioning of the 2010 elections. Technical support was to be delivered through international and national advisers embedded in the IEC Secretariat. Operational support was to be provided in areas where the IEC needed assistance to execute its mandate. This mainly related to the procurement of electoral goods and services and related logistics. ELECT also intended to coordinate international assistance to the IEC.

The anticipated budget for Output 1 was USD 104,764,000, of which USD 81,197,000 were spent, or about 65% of ELECT’s funding for 2010. The majority of the funds went for electoral materials and transport. The anticipated budget for technical assistance (TA - international advisors) was USD 22,181,940 with another USD 1,792,100 for materials and security for the TA²⁵. This included technical assistance for the ECC provided under Output 2.



The evaluation team found that ELECT largely met its anticipated results for Output 1. It provided support for a top-up exercise for voter registration that registered approximately 63% of the estimated new voters. Given the fundamental flaws in the existing voter register, limiting ELECT assistance to a top-up for these parliamentary elections was appropriate. The other target for Output 1 assistance was for the IEC to organize credible 2010 parliamentary elections with less dependence on international advisors. The evaluation team found that this target was also largely met. Although the 2010 parliamentary elections were substantially more complex in nature than the 2009 presidential election and the security situation was substantially worse, the refocusing of ELECT assistance directly on IEC capacity building and support helped ensure the holding of credible elections, at the same time as reducing ELECT visibility.

3.1.1. Technical assistance

Technical assistance was targeted at the core areas of elections administration, and in particular those areas critical to the voter registration top-up and to the execution of the elections, such as the recruitment of temporary staff, training, public outreach, and Information Technology (IT). According to the project document, ELECT advisers were to be embedded in each of the departments of the IEC Secretariat and expected to help the departmental director in her/his day-to-day work. This assistance

²⁴ ELECT, *Project Document, Substantive Revision No.3*, p. 5

²⁵ ELECT, *Op.cit.*, p. 2

was to be coordinated by an Operations Advisor under the supervision of the CTA. The IEC was to retain sole responsibility for areas such as planning, policy and procedures, and coordination with stakeholders on candidate vetting. Assistance was to be provided with a capacity-building approach that supported the electoral authorities in the preparation and conduct of credible elections while strengthening, through daily interaction and transfer of knowledge, their capacity to manage the electoral processes. The two-prong focus of Output 1 meant ELECT assistance concentrated on two main areas of IEC support: voter registration and preparations for the 2010 parliamentary elections.

Gender mainstreaming was to be an integral part of ELECT assistance. ELECT intended to focus on five key areas in order to increase the participation of women in the electoral process. These were collaboration, institution building, research and analysis, risk reduction and outreach. This gender rights approach was to be supported by an international advisor and dedicated budget.

The evaluation team found that the technical assistance provided was fundamental to the technical success and credibility of the electoral process. Experts concentrated on the key areas of procurement, logistics, security, and field coordination, that is, on the broad spectrum of services known as “operations” without which an electoral process cannot take place. Judging from stakeholders’ comments, including those of the IEC Chief Electoral Officer, it is clear that such assistance did strengthen the IEC’s management and operations and ensured a better-organized voter registration top-up and *Wolesi Jirga* electoral process.

Support for the voter registration top-up

The IEC limited its 2010 voter registration update to a top-up exercise. This was intended to provide information for the basic planning of voter operations, and to enable eligible but not yet registered voters, as well as those who had moved or lost their card since the previous consultations, to vote in 2010.

There were convincing technical reasons to limit the scope and duration of voter registration. These included the fact that no voter registration update, however long or comprehensive, was likely to result in producing polling-center-specific voter lists. The benefits, therefore, were to be weighed against the potential costs of opening the door to increased fraud due to the IEC’S inability to maintain control over the number of voter cards issued. In other words, the scope and duration of voter registration had to factor in the notion that voter registration gave increasingly diminishing returns while increasing the opportunity for fraud through the unauthorized issuance of voter cards.

The top-up exercise was conducted as planned over a two-month period, from 12 June to 12 August. It was limited not only in time, but also in scope, mainly because it was decided registration would be conducted only in the 34 provincial capital cities and a small number of specific places, so as to avoid an excessive aggravation of the existing registration problems. A total of 85 four-member teams were put together and deployed throughout the country. According to IEC’s estimations, about 600,000 electors were to be registered. Probably as a result of the limited and selective approach adopted, it issued only slightly more than 377,000 new registration cards. Although this number was far lower than expected, and the process was not improved in any way over 2009, the support provided by ELECT was timely and effective and met its objective of helping the IEC to deliver its top-up drive.

For the future, it should be re-emphasized that credible elections require a credible voter register. For a project such as ELECT to effectively strengthen this process, the IEC needs to establish within its

organizational structure a specific section, with dedicated staff, to deal with related issues on a permanent basis.

Capacity building

Although the *capacity-building* concept can be open to debate because it can be interpreted and delivered in many ways, the evaluation team found a broad consensus that, given the difficult operating conditions the best way to contribute to the capacity-building objective was through the effective and direct embedding of international advisors in all substantive areas of IEC's institutional structure, i.e., its eight permanent departments, as well as in its Data Center and temporary units such as the Gender Unit, the Tally Centre and the Media Commission. By sharing experiences and exchanging knowledge with their peers on a daily basis (the so-called "on-the-job" transfer of skills and mentorship), it was expected that the international advisors would contribute in a direct, efficient and durable manner to strengthening IEC's skills in strategic areas for the planning, management and conduct of elections.

Both ELECT and IFES provided technical advisors. To ensure all departments and units concerned were covered, the two groups worked together as the "electoral assistance team". Under the coordination of ELECT Chief of Operations, a division of labor was agreed whereby IFES and ELECT advisors would be assigned to the areas of operational planning, procedures, training, external relations, IT (including Data and Tally Centers), and gender; only ELECT would advise on finance and administration, procurement and field operations, and only IFES advisors would cover legal affairs, public outreach and Media Commission (which was a part of the IEC).

A distinction needs to be made between what is to be considered as technical support and advice, and what is conceived as operational support. This has an impact when assessing the capacities developed in the respective areas of assignment. On the one hand, the role of all international advisors was, first of all, to provide technical support and advice to their peers/counterparts, which essentially meant sharing their knowledge and expertise. That practice, almost by definition, implies facilitating or contributing to the decision-making process in the respective areas of competence. It was expected that, when questioned on a particular issue by IEC officials, ELECT advisors would provide a range of alternatives or suggest possible courses of action, it being understood that final decisions would always be taken by IEC staff for the process to be Afghan-led and perceived as such.

On the other hand, whenever the tasks of the international advisors transcended that first role and implied that they assumed functions or directly executed activities within the competence of the department or unit to which they were assigned, one can talk of operational support. Based on that distinction, the fact that the assistance provided by the ELECT advisors remained within the realms of technical support and advice implies that the IEC officers in charge were able to assume and exercise their operational duties, meaning they either already had the required knowledge and abilities to do so, or they acquired or reinforced them through the mentorship and on-the-job transfer of skills from the 2009 assistance. Because of the lack of basic information (e.g., on the level of skills for each department/staff at the start of 2010) and its limited ability to interview headquarters and field staff further to security constraints, the evaluation team was not in a position to undertake an in-depth assessment of the quality, relevance or type of technical assistance required and/or provided. However, it appears from documents and interviews that the IEC effectively displayed an adequate operational capacity, which, to a large extent, was one of ELECT's major objectives. It can also be assumed that ELECT systematically provided operational level support in areas where it found a lack of IEC capacity on which it could build.

The CTA also provided technical support and advice to the IEC to facilitate its decision-making process at the highest levels. The CTA set up communication and collaboration mechanism with the CEO that allowed for a timely and effective response to any specific or special request. They agreed that all requests, particularly those originating from the BoC, would be channeled and responded to through the CEO, thus letting ELECT keep a low profile and maximizing IEC's leadership over the process.

The IEC felt that ELECT support, especially for operational planning, procedures and training, was timely and efficient and yielded positive results. At the same time, ELECT's operational support was particularly noted in the areas of finance and administration (where the CEO saw a need to strengthen capacity building efforts), IT, logistics and fields operations. Despite a reduction in the number and geographical distribution of international advisors²⁶ the 2010 elections were much better organized than the 2009 ones. From this perspective, the goal of organizing Afghan-led elections with reduced dependence on international advisors was largely met.

The capacity-building approach however was somewhat restrictive and generated or reinforced imbalances amongst the different departments and units in terms of their capacity development. One commitment that ELECT was not able to meet, and that may help to explain that shortcoming, is the contracting of a capacity-building advisor who was expected to coordinate, support and monitor the work of all international advisors with regard to skills transfer, progress and gains. This is something that should be remedied in the next phase of assistance.

Improvements in the 2010 elections as a result of ELECT support

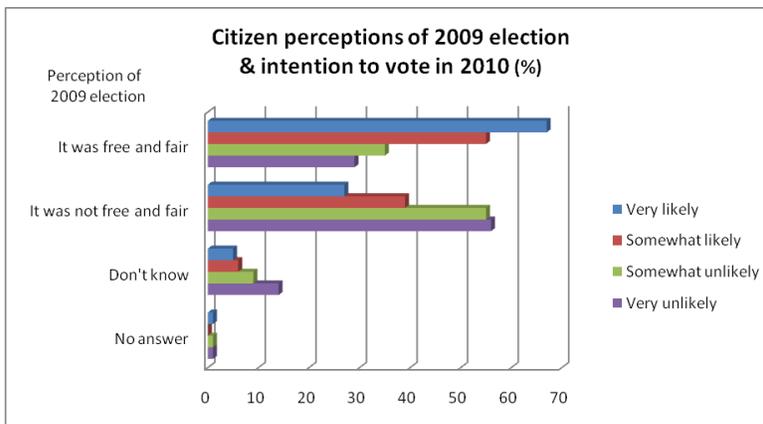
ELECT technical assistance helped improve several areas of the 2010 process. Some of the examples included:

- **More comprehensive operational plan.** The success of this plan was, to a great extent, a result of ELECT technical assistance provided to the IEC Chief of Operations. As a strategic planner, the CTA was able to convey the need for comprehensive strategic planning. The in-house elaboration of such a plan demonstrated the usefulness of this essential tool to organize and conduct the elections. While the plan was not substantially different from that designed for the 2009 presidential election, the IEC was able to adjust it so that it could adhere to the plan even though these elections were far more complex from a logistical perspective with its 35 different electoral districts, instead of a single national constituency as was the case for the presidential election.
- **Timely integration and publication of the polling center list.** The support and advice provided by ELECT to develop this list proved essential, allowing the list to be completed well in advance of the elections. This provided certainty to the elections and significantly improved the ability of the IEC to organize the elections. It allowed for the timely and more rational distribution of equipment and materials, despite the fact that allowing voters to vote at any station within the same province could easily create logistical problems. It also allowed for the effective implementation of the automated sensitive materials control system and gave voters accurate information on the actual location of polling sites well in advance. It is also highly probable that the publication of the list had an important impact on limiting fraud, as it only included sites where security could be ensured, and avoided areas where fraudulent practices were likely to occur. All of this increased stakeholder confidence even

²⁶ They were only deployed in eight regional provinces, and not at provincial level)

though the list published on 18 August had almost 15% less centers than originally proposed by the IEC²⁷ and that figure was further reduced in the following weeks due to security developments. In 2009, neither the IEC nor the forces that were supposed to provide security had an exact idea of the number or location of the sites until virtually the eve of the elections.

The technical advice provided by ELECT and the political support given by UNAMA was important in this regard as it helped the IEC to resist the intense pressures exerted by diverse interest groups - including government high officials interested in having additional polling centers set up in zones where basic guarantees for security could not be ensured.



Source: The Asia Foundation, 2009 and 2010 surveys

- Increased fraud prevention and mitigation measures.** One of the priority guidelines for institutional action defined by the new IEC leadership was to broaden and strengthen measures to prevent fraud or mitigate its scope and effects. This was also the overarching technical focus of ELECT technical assistance to the IEC. The evaluation team was impressed by the realistic and judicious approach that IEC, ELECT and most of the stakeholders adopted to preempt or deal with the fraud issue. There was a broad consensus that fraud was firmly rooted in a number of cultural traditions and political practices and could not be eradicated quickly or through simple technical controls. In addition, the limited measures that an institution such as the IEC and projects like ELECT could undertake to mitigate fraudulent practices were further constrained by the security situation in the country and by the resources at hand. In these conditions, ensuring a complete chain-of-custody for sensitive materials, for instance, proved extremely complex. Conditions across the country were so daunting that this was hardly feasible, even in the so-called “green” areas where security is supposed to be guaranteed. There was also the issue of perceptions and political neutrality. It is not altogether clear how an election management body (EMB) could provide chain-of-custody in some areas while not in others. In a politically-charged environment such as Afghanistan’s where mutual trust is low, complaints about favoritism are likely to follow.

In the last analysis, the issue of fraud deserves in-depth reflection and discussion which is beyond the scope of this evaluation. What is notable in terms of ELECT was the efforts it made to effectively identify, integrate and apply measures to prevent and mitigate fraud. This guided the drafting of the different regulations and procedures used by the IEC to organize, conduct and oversee the electoral process. The IEC highly praised the valuable technical support provided by ELECT advisors for the drafting of those regulations and procedures, which in many cases consisted in revising, adjusting and improving the 2009 regulations.

A few examples of the integrity measures adopted with ELECT support and advice were:

²⁷ 5,897 as against 6,835

- **Automated system to track sensitive materials** which was introduced to control the production, distribution, storage and retrieval of sensitive materials used for polling and tallying. Supported by a database, bar codes and serial numbers, this allowed the IEC to track the sensitive materials from when they were integrated centrally into the kits to be dispatched to the polling centers/stations throughout the country, through to when they were returned to the National Tally Centre or kept under custody in the provincial offices.
- **Strict procedures at the National Tally Center** for the intake, inspection and verification of sensitive materials. This included enclosing them in tamper evident bags later to be used for the identification and clarification of any doubtful or suspicious results reported by polling stations. To identify suspect polling centers, experts helped develop algorithms (known as “triggers”) before and after tallying was underway. These activated the enforcement of extraordinary measures - audits and/or recounts - upon whose findings the BoC decided if the results of one polling center/station were to be taken into account or not into the preliminary results for each province. The use of triggers and subsequent investigations into potential cases of fraud or alteration of electoral materials were made possible by earlier efforts supported by ELECT to improve the communication system between IEC HQ and field offices.

Gender Mainstreaming

A Gender Unit was established within the IEC in 2009, but was not yet approved by the Government as an integral part of the IEC’s institution. At the time of the evaluation, it was staffed by three temporary program staff (whose contracts ended on the day the evaluation team visited) and a head, all of whose salaries were covered by international agencies. International advisors from both IFES and ELECT had been assisting its work since 2009. ELECT also provided financial support for events, conferences and workshops. The expertise, professionalism and value of the embedded ELECT advisor were widely recognized in interviews within the Unit, as was the work of the IFES international advisor. However, it appears that the two advisors may have been providing conflicting advice and messages, since the head of the Unit suggested that, for the future, international advisors should come from only one agency. Contract issues and terms also resulted in cutting the ELECT gender advisor’s time short with the Unit, which was unfortunate considering the advisor appeared to have been well-received, competent and needed to carry forward the work of the Unit.

The gender advisor arrived late, when many operational decisions concerning priorities and modalities had already been taken. Thus, the Gender Unit and international advisors were largely absent from planning discussions. Their late incorporation into the electoral operation meant they were ill-placed to ask that decisions made weeks and months earlier be reassessed in the light of gender considerations. Any future gender assistance to the IEC must take the electoral cycle into account so as to allow gender specialists to participate in the initial operational discussions and decisions.

The Gender Unit made some inroads into mainstreaming the issue of gender within the work of the IEC, whose female staff currently accounts for around 8-10% of the total. The IEC took several measures to reassure potential female job seekers that it provided an appropriate work environment, including establishing a kindergarten and exempting female employees from working overtime. However, increasing the number of female staff, especially at senior management level, remains a challenge. In addition to cultural issues, one obstacle is that the IEC HQ location is far from the city center which discourages women from applying. Another is the security conditions in Kabul. The main road to the

IEC - Jalalabad Road - is not considered safe. The schedule of work of the IEC, indeed of any electoral body, during a period leading to elections often runs way beyond usual office hours and well after sunset. As women prefer to avoid being out after dark, they are reluctant to apply for a job with the IEC, just as the latter is reluctant to hire them.

3.1.2. Operational assistance

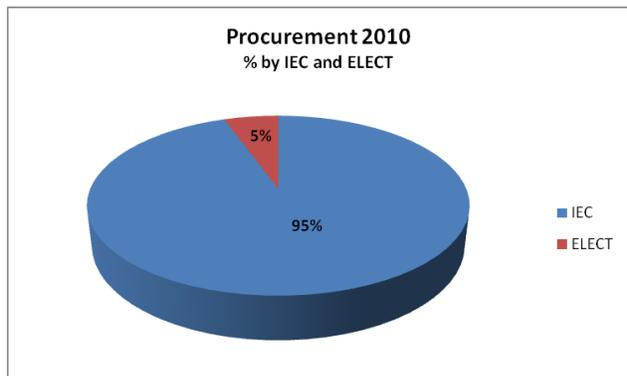
Operational assistance was to be provided in areas where the IEC required support to execute its mandate. These areas mainly related to the procurement of electoral goods and services, including the transportation of electoral materials and management of assets. Day-to-day operational support for the Communications and Information Technology and Finance and Administration departments was also to be provided because the IEC lacked senior staff in these areas.

As of the end of 2009, there were still 80 shipments that needed to be cleared through Afghan customs, including 38 armored vehicles for ELECT staff. The project was no longer able to use soft-skin vehicles due to the security situation and these were donated to the IEC. The project also transferred ownership of the 2009 media equipment to the IEC Media Center and developed a plan for the transfer of the rest of 2009 equipment to the IEC in coordination with the International Organization for Migration (IOM), which was tasked with developing an assets management system within the IEC. Procurement for the IEC Data Center was completed in 2009 and ELECT assistance was to focus on maintaining and upgrading the quality of the centre. A Memorandum of Understanding (MOU) was signed with UNOPS to provide vehicle maintenance (USD 93,875) and 85 containers as storage facilities (USD 85,000) at the provincial levels.

The evaluation team found that the provision of operational assistance by ELECT was largely met and was fundamental for the IEC conduct of the 2010 electoral process. However, significant constraints had to be faced, some of which - primarily related to procurement - were only partially overcome. Those are discussed throughout this section.

Procurement and transport of electoral goods and services

The procurement and logistics of elections materials, IEC supplies and assets were largely in the hands of the PMU, which, further to the recommendations of the audit of the 2009 electoral process, followed more stringent protocols in 2010. In general, these services improved in 2010, partly because IEC was more familiar with UNDP rules and procedures as a result of the experience gained in 2009, and partly because many of the ELECT staff working on procurement and logistics at IEC in 2010 had done the same job for the 2009 elections.



Contracting transport was a significant part of ELECT's provision of assistance to the IEC. This amounted to approximately USD 53 million. Several changes were instituted after the process was audited in 2009. One of these was to introduce both vertical and horizontal competition by awarding transportation contracts to more than one service provider in each locality and to several different providers across

localities. This significantly reduced costs by encouraging competition and discouraging predatory

pricing and last minute price hikes. In the few instances where service providers continued to engage in these practices, ELECT awarded the contract to a different provider. In addition, tighter controls over the contracting process and disbursement of payment were instituted. No request for payment or invoice was honored unless they were for services that UNDP had explicitly tendered and issued a work order in advance. The proxy for signing transportation contracts was reduced to only a few individuals, and no request for payment or invoice was honored unless it was for services signed for by one of them. As a result, some USD 20 million were saved in relation to the previous year. Another significant part of services provided by ELECT was the procurement and transportation of ballot papers. In order to guarantee quality and discourage cost overruns as well as to ensure timeliness, ELECT placed temporary staff in the printing houses where ballots were produced.

A challenge for the PMU - and a challenge for worldwide UNDP projects of similar scope and nature - is the one-size-fits-all characteristics of UNDP procurement rules and regulations. Essentially the same set of rules and procedures are implemented for project delivery, no matter how large or how small the project is. Likewise, rules and regulations make no distinction as to whether the delivery of services is time-bound – as per a tight electoral calendar with dates set in concrete – or part of an open-ended, long-term development initiative. ELECT’s delivery of services to the IEC was hampered by the rigidity of UNDP procedures. As a result, 95% of the procurements done to support Output 1 in 2010 had to be shifted to the IEC. This issue is discussed in more detail in Section 3.4.

As with virtually all other aspects of the electoral process, ELECT’s ability to monitor and evaluate compliance with contracts and the performance of service providers outside Kabul was very low due to the country’s difficult security situation. ELECT staff was only rarely able to undertake visual inspections to ensure that the contractors had delivered the services or products according to specifications. This inability to carry out even basic monitoring and audits left open the possibility for discrepancies between the quality and quantity of services and goods paid for and those actually delivered. Although probably not unique to ELECT, this is a serious constraint to ensuring the integrity of the procurement process.

ELECT’s provision of services was also hampered by the physical and programmatic separation between the international experts who were advising the IEC and the PMU accounting and financial staff. Most of ELECT advisors were not knowledgeable about the strict requirements and limitations of UNDP procurement rules and regulations, while the PMU financial and accounting staff ultimately responsible for implementing the contracts, understood very little of the technical work of the advisors at the IEC. Placing two PMU finance and assets officers at IEC partly remedied the initial problems. Nevertheless, the fundamental disconnect or lack of mutual cognizance between the two groups of professionals remained a source of friction throughout the electoral process and slowed down further the pace at which ELECT was able to respond to IEC requests for service provision.

Support for IEC management, finance and administration

As with gender mainstreaming and capacity building, technical assistance to support the IEC to improve its human resources, finance, IT, procurement, assets management, and performance monitoring and evaluation processes was to some extent left aside as the electoral process got underway, with operational imperatives driven by fixed deadlines and an implacable electoral calendar. In particular, assistance to support IEC improvements in financial planning and execution and in procurement was made more difficult by the fact that UNDP rules and regulations are somewhat unique, and not necessarily applicable or relevant for the IEC’s own internal budgeting and procurement processes. IEC

capacity building in financial management and administration remains, therefore, a priority for support under the next UNDP elections support project.

3.1.3. Other areas of support

Although police training and recruitment of women searchers were not originally foreseen in the revised project document as areas of ELECT support, they were undertaken in response to donor requests and because ELECT was perhaps the only mechanism for channeling elections-related funds.

Police training

In 2010 as in 2009, ELECT acted as a conduit for funds from the EU to EUPOL for training of the Afghan police. The funds were destined for training activities related to support of the elections.

Women Searchers

International activists and donor countries raised the issue of providing for women to search female voters as a way of promoting voter turnout and enabling a greater number of Afghan women to participate in the vote. The fear was that in the absence of dedicated women searchers to check for weapons, female voters would not risk going to vote and have to endure being searched by a male. The question of what institution was responsible for recruiting and training the women searchers hung in the air for several weeks without resolution. Finally, the Ministry of Interior agreed to undertake the recruiting, training and deployment of women searchers. ELECT served as a conduit for channeling donor funds to the Ministry of Interior to finance this initiative.

3.1.4. Coordination

Coordination of assistance to Output 1 was conducted primarily along three axes. The first was the coordination with and among donors to the UNDP basket fund used to provide support services and material to the IEC. This type of coordination was perceived as having been conducted reasonably well by the CTA, and to have improved significantly over 2009. The second axis was the coordination with other technical assistance providers, namely IFES, which was the sole technical assistance provider besides ELECT. A good working division of labor was agreed between ELECT and IFES advisors. ELECT retained core electoral support, in the area of operations, broadly speaking, while IFES worked in the areas of public outreach, the Media Commission and legal analysis. The coordination of technical assistance between ELECT and IFES was largely perceived as successful by stakeholders. To a large extent, this was due probably more to the long-standing professional relationship between the ELECT CTA and the IFES Vice President who was working in Afghanistan, than to institutional arrangements or formal agreements.

3.1.5. Recommendations

- **Undertake a comprehensive needs assessment of the IEC** to identify actual needs and level of skills within the IEC departments and units, at headquarters and provincial offices, before undertaking any significant effort at capacity building or designing the follow-on project. This should take into account elements such as IEC's ability to retain key personnel, and its procedures for staff recruitment, training, rotation, and promotion. The internal assessments

and lessons-learned exercises conducted after the 2010 election is a good base on which to start, as they clearly identified some of the needs and priorities in the different executive areas of the institution, with a medium- and long-term perspective.

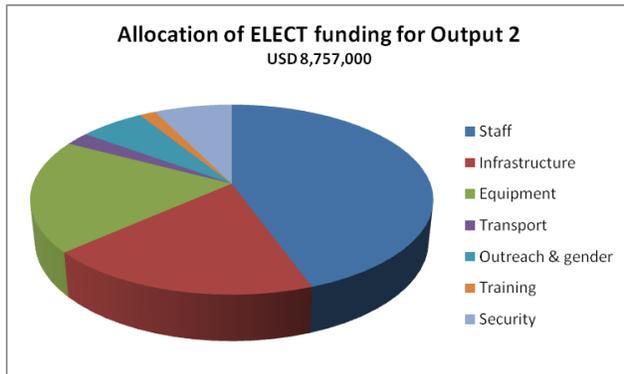
- **Undertake a NAM before finalizing the follow-on project design.** With the ongoing security concerns, it is likely that this will need to be done internally and/or virtually using a senior expert, with post-conflict electoral cycle assistance and senior members of UNAMA and the international community who were present during and after the 2010 elections. A NAM-type assessment is needed to assess the broader political climate for free and fair elections so that the follow-on project and its activities can be grounded in the political realities. An issue of great importance is to assess the independence of the IEC, the Government's willingness to commit to that independence, and the changes to the legal framework needed to achieve it. Having the Government provide a minimal sign of commitment for this process before continuing an IEC institutional development programme is one of the main recommendations of the evaluation, as stated in the conclusions and recommendations at the end of the report.
- **Continue with a small number of experts strategically embedded within the IEC, especially in the period before the new project starts.** Aside from keeping regular contact and providing technical advice and support required by the CEO, this daily presence provides a source of technical support as the IEC moves to successfully wrap up the 2010 electoral process and undertakes internal activities to strengthen its institutional capabilities. It also provides visible political support for IEC independence and the difficult decisions that the IEC will have to make as the current political situation evolves and the electoral reform process gets underway. They would also provide a direct channel for the commissioners and CEO to communicate with the international community and to gain policy support- especially at the SRSG level. Quality is more important than quantity, and these should be senior experts with the diplomatic skills to interact with the commissioners, CEO and department heads on an equal footing. More junior experts should only be assigned if paired with a senior expert. Experts should be placed in critical departments such as those in charge of training and capacity development, planning and procedures, legal affairs and field operations.
- **Lobby for the creation of a permanent Gender Unit** as part of the IEC Secretariat structure and provision of a long-term Gender Advisor to help this unit better mainstream gender within electoral administration and the electoral process. Gender inequities remain a serious issue and will require a long-term sustained effort. Synergies in this regard should be developed with other equity and gender projects in Afghanistan so as to increase the effectiveness of ELECT assistance and expand its reach.
- **Devote special attention to the provision of technical advice and assistance in the area of boundary delimitation and voter registration.** These are critical components of a fair and credible electoral process that are closely intertwined; any change or improvement to the system will impact the scope of powers within the legislative and local offices. These areas need to be properly designed and should be included in any successor project. A comprehensive analysis and planning for future voter registration needs will likely require more effort than just periodic, short-term visits of an expert. The placement of a long-term, embedded advisor, complemented by periodic visits by an outside expert, should be considered.

3.2. Output 2: Support for the ECC

The objective for Output 2 was: *“Capacity building, through technical and operational support to the ECC, to manage their responsibilities in the conduct of the 2010 elections.”* To achieve this objective, ELECT intended to focus its support on operational areas where the ECC had specific requirements in order to carry out its mandate. This was expected to include support to budget planning, human resources, office management, logistics, transportation and security. The intention was also to coordinate international assistance to the ECC. The ECC was to maintain sole responsibility for areas such as planning, policy and procedures, and coordination with stakeholders on candidate vetting.

The anticipated budget for Output 2 was USD 13,410,000, of which USD 8,757,000 were spent in 2010²⁸. ELECT signed an MOU with the ECC for USD 303,000 for 2010 to cover the costs of the commissioners at the national and provincial levels and for supplies and fuel. The ECC managed this funding directly. Bilateral support to the ECC was also provided through USAID STEP Project implemented by IFES, under which provided most of the technical experts posted with the ECC.

The overall target for Output 2 was a strengthened ECC that contributed to free and fair elections



through a timely and effective adjudication of electoral challenges and complaints. The evaluation team found that this target was largely met. ELECT support to the ECC, essentially in the areas of operations and logistics and in the coordination of technical support, improved the ability of the ECC to discharge its functions with a substantial degree of competency and credibility. In fact, ELECT assistance was crucial to the achievement of such a goal because the temporary nature of the ECC

required it to be re-established and functioning within an extremely narrow timeframe. ELECT had to exert considerable efforts to respond effectively to ECC needs and requests. However, closer coordination between the IFES technical advisers and ELECT procurement personnel was needed.

3.2.1. Technical assistance

Output 2 was described as *“capacity building to the ECC through technical and operational support”*. However, what was actually expected was *“operational assistance to areas where the ECC requires support to execute its mandate. These areas could include support to budget planning, human resources, office management, logistics, transportation and security”* and *“coordination of international assistance to the ECC.”*²⁹ This second output took into consideration the technical assistance provided through STEP which was part of the agreement on the division of labor between the two projects.

The ECC commissioners, who were appointed just four months before elections day, had sole and full responsibility for planning, policy and procedures for the Commission, as well as for coordination with stakeholders. To help them get started and assume their highly sensitive and specialized responsibilities,

²⁸ The budget estimate for the ECC was increased at the Board Meeting of 5 September in light of operational realities.

²⁹ ELECT, *Project Document, Substantive Revision No.3*, pp. 3 and 11, respectively

the ELECT CTA worked closely with them immediately after their appointment providing in-depth advice, in close collaboration with the IFES Chief of Party. This intensive, first phase of assistance was essential to define the legal and operational framework needed to properly structure and apply the new model of adjudication powers which were now shared between the ECC and its PECCs, and to undertake the strategic planning for the immediate establishment of all 34 ECC field offices. This was a highly complex process given that the candidate registration process was already underway and complaints were already coming in.

That initial phase paved the way for ELECT/IFES support that followed the division of labor as previously agreed. IFES provided almost all of the technical assistance to the ECC, particularly in the specific areas of policy and procedures, field operations and logistics and public outreach, whilst ELECT managed all major procuring and contracting activities, and provided technical assistance in strictly logistical areas such as security and finance. This division of labor helped optimize the resources available to the ECC and to better meet its operational and time constraints.

At the same time, given the circumstances, it was not easy to draw a crystal-clear divide between where technical advice ends and operational support starts. Even though clear guidelines for team work were provided at the highest level, and the individuals from the different institutions were working accordingly to deliver the expected outcomes, those receiving the assistance did not necessarily make the same distinctions. According to interviews, including those with the ECC commissioners, all 129 commissioners³⁰ had a sense of urgency for all matters. When faced with a problem, a commissioner would turn to the IFES advisor, who would suggest options – without pondering their feasibility within the given timeframe or, in some cases, without knowing if UNDP rules and regulations could authorize the required procurements. The commissioner would then go to the ELECT contact person or directly to the PMU and ask for that solution. ELECT would then find itself in the difficult position where it had to explain why UNDP rules would not allow it to provide for the immediate solution suggested by the IFES advisor.

This situation was improved with the appointment of an ELECT international advisor for legal issues who not only supported the assistance in the legal area but also facilitated communication and coordination between IFES and ELECT and with the PMU.

3.2.2. Operational assistance

The bulk of ELECT support to the ECC was in operational assistance (field coordination, procurement and logistics). ELECT helped the ECC re-establish its headquarters in Kabul as well as its 34 field offices. The PECCs had an expanded role in 2010, including adjudication, which imposed additional and, to a certain extent, overwhelming challenges for the PMU in terms of procurement and logistics, facilities and material, as well as in administrative support. The candidate nomination process was subject to challenges at the PECC level and that process had already started, so these had to be established immediately. In a period of approximately two months, ELECT helped identify field office facilities and refurbish them, purchase equipment and materials, transport them to the field offices, and install IT services. ELECT assistance was also important in the recruitment, hiring and training of the approximately 570 staff members. The relationships built with contractors for the 2009 elections helped speed up ELECT's response to the ECC as it already knew the contractors and which ones could

³⁰ 5 at the national level and 124 at the provincial level.

deliver. It used a subcontract with CT Global to recruit, contract and pay these staff and leased office space through another subcontractor.

ELECT achieved remarkable operational results for Output 2 under very tough conditions. It seemed to be sensitive and receptive to ECC concerns and made extraordinary efforts to provide the required support or solutions, although it was not always able to deliver in time. Overall, it appears to have met its goals as the ECC was able to process and adjudicate, in an appropriate and timely fashion, more than 400 challenges to candidate's nomination, more than 1,250 campaign complaints and 4,169 complaints related to polling and counting, with STEP and ELECT support.

Unfortunately, the termination of the assistance to the ECC appears to have been mishandled. Several stakeholders expressed dissatisfaction about the perceived abruptness in which ELECT managed and coordinated the closing down of operations and asset recovery from the ECC. This was seemingly due to a sequence of miscommunications, on both sides, between ELECT and the ECC. The lesson to be learnt is that the conditions and a timetable for the closing down process need to be developed and agreed upon between the project and the recipient organization. The UNDP Country Office could have been more active in managing the ECC's expectations and in explaining the procedures and regulations it has to comply with in the implementation of its assistance projects.

3.2.3. Coordination

Although a clear division of labor between IFES and ELECT was agreed to by the respective heads of the projects, the separation of technical assistance and operational assistance between the two institutions had the unintended effect of isolating ELECT from the ECC commissioners and their decision making. Insufficient consultations and coordination between those giving advice (IFES) and those implementing the decisions (ELECT) led to the perception that ELECT was unresponsive. Coordination improved significantly when ELECT embedded a legal advisor within the ECC who participated in their discussions. The presence of this advisor bridged the gap between the two assistance providers and she coordinated their actions and served as a link between the ECC and the PMU. Regrettably, the ELECT adviser's term of contract expired before the close-out of the ECC. Better planning and coordination was needed for that effort between the PMU, ECC and IEC (as the IEC was to have received the assets from the ECC).

3.2.4. Recommendations

- **Develop a feasible initiative to gather, systematize and archive all related information on assistance to the ECC and its adjudication process** in order to document and illustrate the efforts made by the international community to support the proper processing and adjudication of electoral challenges and complaints in Afghanistan. This issue deserves more attention than just archiving documents or data from lessons learned and should help guide and nourish any further international and national endeavor in the subject matter.
- **Include a legal advisor as a key member of any long-term technical assistance team.** This person can help the IEC with legal and regulatory issues related to any electoral reform initiative undertaken, as well as provide advice related to revising ECC powers and the adjudication of disputes. This person needs to be highly skilled, context-sensitive and able to collaborate with other major implementers in order to be effective.

- **Provide timely training to relevant actors on basic UNDP procurement rules and timelines** to avoid the operational problems and frictions encountered in the assistance to the ECC. This would include ECC commissioners (at headquarters and provinces), relevant staff and the implementers' experts. To make this a cost-effective and less burdensome process for all involved, UNDP/Afghanistan could make a 15-20 minute video lesson that could be placed on its and/or other websites, and on flash drives distributed to stakeholders to ensure easy access. UNDP could also ensure stakeholders watch the video by working with the IEC and ECC and others, such as IFES, to make it a job requirement and by adding a short test at the end and issuing a certificate for those who successfully complete the module.
- **Establish a coordination system at the expert-level when sharing implementation with another partner organization.** Although coordination starts at the top of the agencies, there also needs to be regular coordination between experts working within institutions, especially when they are from different organizations and working on different levels (technical and organizational) of the same issues.

3.3. Output 3: Support to electoral reform and EMB capacity building

The objective for Output 3 was: *“Support to long-term electoral reform and capacity building of the electoral management bodies.”* Electoral reform was seen as a broad, fundamentally political, enterprise that needed to be led and carried out by Afghans and Afghan institutions, with the UN role as one of support and facilitation. At the London Conference in January 2010, the Afghan Government committed itself to learn the lessons from the 2009 electoral process and to work with the UN to address these issues. The focal point for the provision of advice on electoral reform was to be the CTA, in consultation with the CEO of the IEC. With imminent parliamentary elections, it was anticipated that any major long-term reforms needed to improve the credibility and sustainability of the democratic processes, including the civil and voter registers, would only gain preeminence in the post-elections period. With this in view, UNDP, in coordination with the IEC, UNAMA and UNEAD, intended to support the IEC by undertaking a participative organizational assessment and strategic planning process that would serve as a basis for the post-2010 project focus and reform process.³¹

No funding was allocated specifically for Output 3 since capacity building was seen as complementary to the contribution of technical advisers to their IEC and ECC counterparts in their efforts towards the achievement of Outputs 1 and 2, and since technical advice or support for any electoral reform endeavor was to be channeled through the CTA.

3.3.1. Electoral reform

In 2010, the priority for ELECT was to support the IEC and ECC in their work and to help ensure the holding of credible elections. Although the UN was ready to assist as soon as required, reform was essentially seen as a post-election assistance priority and ELECT expected to assist this process in 2011. The political, security and operational realities in 2010 did not provide an environment where Afghan

³¹ ELECT, *Project Document, Substantive Revision No 3*, p. 12

authorities and stakeholders advanced any initiative and, thus, where UNDP could support or facilitate electoral reform, particularly once the electoral process got underway.

The delay in approving a legal framework for election and the political uncertainty that surrounded the 2010 electoral process, coupled with the operational constraints imposed by the security situation, meant that scant attention could be paid to electoral reform. ELECT's technical and operational focus was on the parliamentary elections which the evaluation team believes was an appropriate decision, given the contextual and electoral imperatives. ELECT was mindful and respectful that the electoral reform process must be an Afghan-instigated and Afghan-led process, which also restrained it from more actively pursuing the issue. This also appeared to have been an appropriate decision as a political backlash could have compromised ELECT's ability to fulfill the other objectives of the project.

There has been an absence of Afghan leadership and initiative to date on the reform process. President Karzai promised the creation of a national commission for electoral reform in 2009, but as of the time of this final evaluation, this body had not yet been formed or its terms of reference made known. The Afghan authorities also committed to initiate long-term electoral reform within six months at the July 2010 Kabul Conference.³² This has not yet happened. Nevertheless there was awareness on the part of the electoral authorities that electoral reform is an urgent necessity for the credibility and sustainability of elections in Afghanistan. They emphasize the need for electoral reform that should not only address the electoral institutions, but the electoral system itself, and other related processes such as voter registration and political boundary delimitation. Support and facilitation of an Afghan-instigated, Afghan-led electoral reform process is an area that any future UNDP electoral support project will need to take into account. Efforts by agents of change and reformers within the relevant institutions (IEC, Parliament, Executive, local government, civil society, media, etc) should be supported and all assistance grounded within the broader effort to improve the enabling environment for free and fair elections. The first task will be to facilitate a consensus on what electoral reform should and should not encompass, given the apparent lack of a generally accepted definition of electoral reform.

3.3.2. Capacity building

As discussed under Output 1, ELECT capacity building was done through side-by-side mentoring of international technical advisors. A counterpart system was adopted where IEC and ECC advisors worked alongside Afghan counterparts in the planning and implementation of operational activities. This approach was premised on the belief that the best way of learning was by doing, and this, under the guidance of experts. Such an approach was seen as more appropriate than training courses and passive seminars, not only because of the nature of election administration, but also because it was more congruent with the average level of expertise achieved at that point by IEC staff.

Capacity building at the ECC was severely constrained by the temporary nature of the organization, which inevitably prevents the carryover of any appreciable experience and expertise from one electoral process to the next. This institutional limitation was exacerbated by the late appointment of the ECC commissioners and the new legal requirement for provincial level adjudication for some complaints. Under such conditions, capacity building falls prey to the compressed electoral calendar and the need to establish without delay a working institution able to meet the electoral deadlines.

Among additional factors that impaired the Project's ability to carry out capacity building was the

³² EU, *Observation Report 2010*, p. 3

security situation, which essentially prevented most ELECT staff from visiting the field offices, let alone carrying out side-by-side mentoring of any kind or duration. Low educational levels prevailing in the country have to be taken into account as well. Time is of the essence for capacity building. Yet, time is rarely abundant or even sufficient in politically charged, complex places such as Afghanistan. Finally, in general, technical advisors are not hired on the basis of their predisposition, experience or willingness to undertake the methodical, deliberate actions required for capacity building; and neither is their performance in that respect reflected in performance evaluation reports and salary scale evaluations. Even in the best case scenario, capacity building in Afghanistan will remain a laborious and slow process as a consequence of the various factors outlined above. At the same time, the definition for the output of “capacity built” was not quantified in the project document, thus whether capacity was built, and to what extent, becomes open to subjective interpretation. Given the broader context, and the fact that the IEC and EMB were able to fulfill their mandates with ELECT assistance, the evaluation team believes that ELECT largely fulfilled its own mandate to increase the capacity of national staff to plan and conduct elections.

A matter of concern is that the prospects for any such capacity development might be jeopardized by the lack of real independence of the IEC, among other things. The IEC - the Chair of the BoC and the CEO in particular - has been subject to enormous political pressures to change some of its major decisions, which could jeopardize its impartiality and independence. The full political support provided by the UN speaking as a single voice on behalf of the international community was needed for these EMBs to resist this pressure.

The question that needs to be seriously considered is whether it makes sense to promote a long-term capacity-building plan or endeavor without major electoral reforms, at least as regards guaranteeing and protecting the independence of the IEC. It is also important to determine whether it is meaningful to talk about the sustainability of the electoral institutions and process if the national authorities have not shown any real interest in contributing to that end. For instance, there was no national funding for the process apart from basic staff salaries. Even these had to be topped-off to make them more in line with international standards in order to retain key staff.

At the end of the day, there is a close link between capacity development and sustainability, on the one hand, and electoral reform, on the other. The challenge is how to turn this into a virtuous circle.

3.3.3. Recommendations

- **Assess the broader context in which the EMBs work**, as recommended in Output 1 and as discussed in the conclusions section of this report, to gain a tangible commitment from the Government for an independent IEC. This should be a prerequisite for any institutional development or capacity-building assistance, otherwise there is no guarantee that gains made through experience and training will remain if the current leadership is changed.
- **Use the long-term legal and voter registration advisors to help with the technical aspects of electoral reform.** These persons should serve as a resource not only to the IEC and CTA, but also to UNDP and UNAMA on the legal aspects of the reform process, and the ramifications for the different options that will be discussed.
- **Use the period before the start of the next electoral cycle for capacity building** through continued mentoring by long-term advisors, specific training programmes developed by the

follow-on project to ELECT and through exchanges and internships in other EMBs. Study tours should not be done in isolation and should be followed-up with specific assistance that enables the participants to implement activities and/or changes that they observed during their study. Including policy makers in some of these exchanges, especially MPs on the relevant committees, can help build a constructive relationship between decision makers and the IEC and help advance the reform process.

- **Develop and implement a more comprehensive capacity-building/development plan** for the follow-on project that builds on the needs assessment recommended under Output 1 and opts for a much more comprehensive approach than in the mentoring used by ELECT. It should build on the presence of the embedded experts who could coordinate and supervise its implementation within their spheres of work and ensure timely reporting on its progress.

3.4. Project design and management

In order to provide better support to the 2010 parliamentary elections, the ELECT project underwent an in-depth process of review and adjustment. This process was largely determined by the lessons learned and results of the 2009 elections. In this regard, special importance was given to the factors whose combined effects significantly affected the image and credibility of the UN in general and of the ELECT project in particular:

- The idea that the UN had not been able to develop a unified and consistent policy to support the political/electoral process, as a result of which the different UN organizations and personalities involved in the process acted in an uncoordinated and disjointed way. UN policy was characterized by evident conflicts and internal dissensions which, aside from making it difficult to provide the required support to the Afghan authorities, ended up sending conflicting signals about its objectives.
- The perception that ELECT had played a major role in running the electoral process and therefore was co-responsible for its shortcomings and limitations. The ability of ELECT to act quickly was questioned, particularly in regard to allegations and evidence of fraud.
- The over-ambitious ELECT approach that tried to provide support to all areas of the electoral process, without differentiating priority/substantive areas from complementary ones. This also placed ELECT in a position of conflict of interests by having it participate simultaneously in the management of the process and in the promotion of independent observation activities.

The revised project document (Substantive Revision No. 3) was the result of a long period of negotiations among UNDP, its donors, the IEC and other key actors. This process started with the internal UN review of its policy towards election assistance in Afghanistan and the type of assistance to be provided. As part of that process, the issues that had contributed to the negative perceptions of ELECT and its role in 2009 were identified (listed above), so that the new design could help mitigate them. The security situation and attack on the guesthouse where ELECT staff were housed in 2009 also impacted the design and other elements, such as staffing levels. The new CTA undertook an in-depth risk analysis as part of the design process, identifying ten areas of potential risk along with mitigation measures. The analysis also took into consideration the additional challenges posed by the management of the legislative elections vis-a-vis the presidential elections.

The resulting project strategy envisioned a lower profile for ELECT and working through partnership arrangements with the IEC and others. The IEC was to be ELECT's primary partner and have the leading role for the management of the electoral process and its own institutional development. This was reflected throughout the design, which included having the IEC chair the Project Board and using ELECT to promote IEC visibility and accountability. ELECT focused on very specific areas of support and on those aspects where the electoral institutions really needed international support. To cover other areas, "complementary support" was provided by other donors and implementers, especially IFES. It was felt that if ELECT focused its attention on core support rather than being pulled in other directions, such as support for media, observers, or security forces - as it had done in 2009 - it could better ensure the delivery of core assistance. This design also required fewer international staff than previously, which the UN saw as beneficial from a security as well as a visibility perspective. It also integrated capacity building through skills transfer by embedding technical advisors in the EMBs and left major reforms as a post-2010 priority. The design continued to maintain ELECT's basket fund as the main channel for international funds, although some funds were to be transferred directly to the IEC and ECC to bolster their administrative and financial experience through MOUs.

The redesign occurred before the new leadership of the IEC was in a position to identify and define its own new institutional policies and its requirements and priorities for international support. However, the new design of the project was consistent and compatible with their vision and the institutional policies they adopted. It incorporated a flexible approach towards changes and the scheduling of planned activities, which helped ensure support to the Afghan authorities was adjusted as needed and could respond quickly and effectively to their needs.

Several interlocutors thought the project design was donor- and security-driven and would have been better based on an actual needs assessment. However, given the context, the evaluation team feels that the redesign process was appropriate, especially as the project had just been evaluated and revised for the last year of its five-year duration. The 2010 design reflected strategic analysis and planning and redirected the project towards a much more effective approach than had been pursued in 2009. However, the importance of the voter registration top-up was over-emphasized in the design, and the inclusion of electoral reform as a separate output was unrealistic given the remaining timeframe of the project and impending elections. Nevertheless, the design improved ELECT's focus and led to much better results for ELECT than in 2009.

3.4.1. Implementation

ELECT was a very large and complex project that was implemented in a very difficult and challenging environment. In addition, the work in 2010 followed on the heels of a very contentious election and maligned cycle of ELECT support. This meant ELECT had to repair its relationships and image at the same time as implementing the project. According to interviews and reporting, ELECT did improve its delivery and rebuilt constructive relationships with the stakeholders and donors. It was widely perceived as having done a good job and successfully delivered its assistance for the 2010 elections. At the same time, it helped increase the credibility and visibility of the IEC and its leadership, one of the key objectives of the project.

This was not an easy task. Some of the main constraints faced during implementation included:

- **Compressed timeline.** The March receipt of the official request for assistance and the need for extensive discussions on the revised project document meant that the latter was not signed

until May - only four months before elections day. Although ELECT compensated somewhat for this with an extensive planning that started in February with the arrival of the expert later to become the new CTA, the scope and type of support that Afghan electoral authorities would require to properly manage the 2010 elections were not defined until the project document was signed and the new authorities – including the ECC in particular - were appointed. This affected the timely delivery of some of the operational support requested, i.e., procurement of services and materials, some of which needed more lead-in time.

- **Limited operational capacity for the first half of 2010.** ELECT strove to keep functioning during the first months of 2010, but the fact that the review of the project document was under way - and would only be completely agreed upon and signed in May- and that almost all of its international staff (including the senior positions of CTA, Chief Operations Advisor, Head of Finance and Security Advisor) had left by January 2010, hampered its efforts to make substantial planning progress. The high turnover and the lengthy UN recruitment processes left some positions open for extended periods of time. According to some of the ELECT and UNDP staff interviewed, the upside of a reduced ELECT staff was that it required the IEC to take a more active role in the process. This compensated for some of ELECT's limited capacity once the IEC leadership was changed.
- **Security.** The deterioration in the security conditions was accurately identified in the project revision as one of ELECT's main risks and it did affect ELECT's operational scope and capacity directly in 2010. Because of security, technical and operational support was limited to Kabul and the eight regional hubs. In the first half of 2010, staff was not allowed to be deployed before offices and compounds complied with the strengthened MOSS requirements. Provincial staff was not redeployed until June and July and this, only to the regional hubs. ELECT operational staff members estimate they spent 50% of their time on security issues related to electoral operations and their work environment. The security situation also took a personal toll on ELECT staff, many of whom were survivors of the attack on the guesthouse or had been in country at the time. As one former ELECT advisor told the team *"In hindsight, I suspect this issue affected staff more than we realized at the time. The living conditions, in combination with what I recently discovered was residual trauma, led me to resign at the end of the process."*
- **Political climate.** Although the parliamentary elections had a lower profile than the presidential elections, they were still being held in a highly politicized post-conflict climate. While political parties are not strong, the extensive client-patron networks, political connections and strong-man political culture that resulted in the systemic fraud in 2009, required adept management and the integration of anti-fraud measures into every aspect of the process.

Despite these difficulties, the project successfully delivered most of its outputs. Several key factors accounted for these achievements, including:

- **Clear direction and leadership.** Interlocutors consistently attributed the outstanding quality of leadership across the spectrum of institutions as the main reason for the improvements in performance over 2009. This started at the top with UNAMA and the SRSG, who, together with the UNDP Resident Representative and the CTA, were able to gather consensus on the scope of the ELECT project for 2010, build an integrated team and ensure that the international community spoke with one voice. This was matched by the change of leadership within the IEC. They all provided clear guidance for the process, set the tone by working collaboratively with

each other and systematized both formal and informal coordination throughout the process. The issue for the project and IEC is how to institutionalize these best practices so that they can be sustained even after these individuals leave.

- **Improved communications and management of expectations.** Unrealistic and unmet expectations of donors and stakeholders underlied many of ELECT’s 2009 problems. The project made concerted efforts in 2010 to manage expectations and to keep them realistic, by sharing information and downplaying ELECT’s role and what it could accomplish. This included not only sending a message that elections were led by the Afghan electoral institutions, but also adopting a lower profile which supported their more visible leadership in the implementation of the electoral process with donors, stakeholders and media. This was effective as it matched the project’s message with its actions, which kept it in its supportive role despite its proactive assistance. The guidelines on electoral assistance issued by the office of the SRSG clarified the role of ELECT, while the joint IEC-donor coordination meetings on ELECT and complementary assistance helped build a sense of community. The IEC also improved its outreach with ELECT support, thereby increasing its transparency and credibility. Taken together, all of these measures added to the credibility of the process; the confidence of civil society, media and donors; and boosted the morale of the ELECT and IEC staff.
- **Partnerships and synergies.** Building effective partnerships and synergies with complementary projects were also a key factor of ELECT’s improved performance in 2010, especially in the case of assistance provided to the IEC. The partnership between the IFES STEP project and ELECT was particularly close, due mainly to the collegial relationships between ELECT CTA and IFES Chief of Party, and were essential to assist the ECC in the challenging task of designing their legal and operational plans to set up and apply a new adjudication model. Despite some coordination problems in the provision of assistance to the ECC, that relationship set the tone for a very effective partnership among technical experts. Interviews were replete with examples of close collaboration, which meant that the “integrated elections assistance team” concept on paper was implemented in practice.

3.4.2. Coordination

In 2010, the process was much better coordinated than in 2009, and donors were unanimous in recognizing this improvement. Coordination was ensured for both technical and political dimensions of the process, whose complementarity provided synergies and mutually supportive activities between the two levels of assistance. The evaluation team found that the objective of coordination - integration of international assistance - was largely met.

Donor coordination was led and chaired by the IEC. Having the IEC in the driving seat was seen as an important improvement. ELECT supported IEC members in preparing for stakeholder meetings but kept a low profile. Such meetings, which took place monthly, served as a forum where the IEC and ECC would give an update on their activities, donors would convey key messages, and ELECT would outline project developments. Thus, all stakeholders were kept abreast of the projects, as well as of the electoral developments and challenges. There was a general consensus among participants that this was a good practice that should continue in the future. Having the IEC in charge of these meetings demonstrated its institutional capacity and showed that it was accountable to the donors for the assistance provided.

At the political level, the SRSG chaired a weekly **Ambassadors Forum**, at which he provided electoral updates and discussed potential scenarios and critical issues. In these meetings, he was able to build a consensus among the international community that led to a collective international response and a united voice. This was especially important under the challenging circumstances. The CTA also played a key role in these meetings, where his presence and active involvement ensured close coordination between the technical dimension and the political dimension of the process, thus contributing notably to the improvements recorded in 2010.

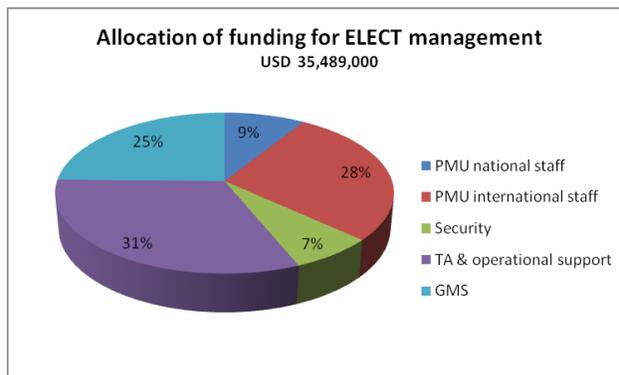
The ELECT 2010 project document stipulated that *“ELECT, with the political guidance of UNAMA, will coordinate the provision of technical and material support to the IEC and ECC.”* As discussed in Sections 3.1.3. and 3.2.3 above, such coordination was effective. However, ELECT also ended up assuming a pivotal and highly appreciated role of coordinating **complementary activities**, including assistance to domestic observation and the media, as well as political party and candidate agents training. Such a role naturally fell to ELECT by virtue of its position as manager of the basket fund and UN Security Council Resolution 1917 that mandated coordination of all international assistance to the UN. The project document also required IEC and UNDP to convene coordination meetings in addition to those provided for by the mechanisms stipulated therein. As a result, coordination came as a responsibility on top of the work expected of personnel who already had other duties to perform. The lack of a dedicated person for coordination was somewhat mitigated by rotating the chair among donors. For the benefit of the group, ELECT kept track of the assistance provided on a regularly updated matrix, which facilitated coordination and finding donors for some of the complementary activities through bilateral arrangements. This was perceived as particularly useful. Meetings also served as a venue where IEC External Relations Department shared information with the civil society and observer groups before it had established its own regular meetings.

The ELECT staff involved felt a dedicated staff person could have ensured follow-up of meetings and organized lessons learned for the different sectors of assistance. While ELECT intended to provide such services, the idea was not pursued in the absence of a coordination focal point after election results were announced. The group of complementary donors and implementers was divided into thematic subgroups, which is a best practice, but apparently only a few of these subgroups -including observers and those working on gender, youth and culture - were “enthusiastic” about coordination.

3.4.3. Management

Project management structure

ELECT was implemented using the direct implementation modality and, as such, came under the responsibility of the UNDP Country Office in Afghanistan. Policy was made by the **Project Board**, under the co-chairmanship of the IEC and the SRSG. The presence of the SRSG enticed ambassadors to participate, which facilitated agreement on decisions and ensured a link between policy and implementation. Having the SRSG on the Project Board, explaining the politics and latest discussions, gave more prominence to ELECT, demonstrated the integrated approach of the UN system in Afghanistan, and strengthened

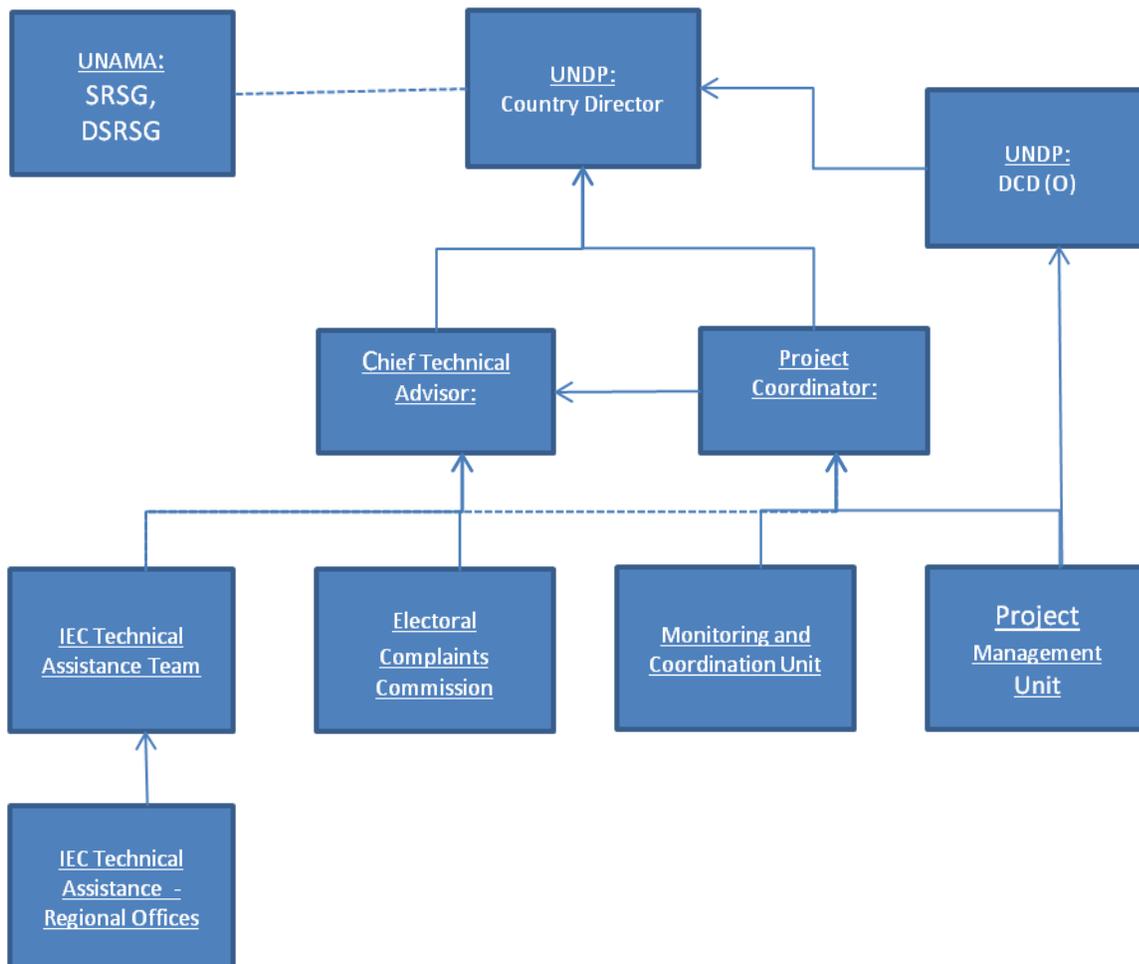


relations between the major players of the international community and the UN.

ELECT financial and administrative support was ensured by a **Project Management Unit**, comprising of 17 national and international staff, that worked closely with the Country Office and was ultimately responsible for the delivery of the project. The PMU staff included people with prior UNDP experience, which facilitated the provision of services to ELECT and won the trust of the Country Office. Under the prevailing circumstances, this set up worked effectively; however, for any successor project, lines of responsibility and command should be more clearly defined as discussed below.

ELECT management structure was revised after 2009. Typically, the CTA heads the project and is above the technical team and the PMU. In this instance, the mid-term evaluation recommended that the incumbent’s responsibilities be divided into three positions: elections advisor to the SRSG; head of technical assistance; and project coordinator for relations with donors and the Country Office. However, the structure adopted for 2010, as illustrated in the organizational chart below, maintained a single position of CTA to deal with political and technical advice. Donors generally believed this to be a sound decision. Much of their satisfaction was probably due to the quality of services provided by the CTA, who had extensive electoral experience in post-conflict and transitional countries and an inclusive approach that proved quite effective.

ELECT organizational chart



Nevertheless, managing political and security imperatives related to elections assistance and the process consumed much of the CTA's time and some of the major technical responsibilities fell onto the operations staff. Although the latter had experience from 2009 and carried out improvements in procedures in 2010, some interlocutors felt more senior staff would have been more effective within the IEC at critical junctures of the process, especially when the commissioners became involved in technical issues. As a case in point, they noted that, precisely at such times when the operations staff was trying to deal with the commissioners, the importance of the issue meant that the CTA was with the SRS, discussing it with the President. It emerged clearly from interviews and reporting that attracting and retaining good senior staff for these critical positions was a serious problem.

Management issues

Managing a hundred million dollar plus basket fund with 26 donors, 64 international and 234 national staff and implementation agreements with UNOPS, the IEC and ECC, i.a., in an insecure and difficult physical environment was not an easy task. Some of the management issues and constraints brought to the attention of the evaluation team included:

- **Internal coordination** between the PMU and electoral operations. This was generally effective but at times collaboration was aggravated by mutual feelings that their work and competences were not understood by each other. The operations team was under pressure to respond to the needs of the IEC and the electoral process, while the PMU needed to ensure compliance with UNDP rules and procedures. Although both teams had solid experience in their respective areas, the PMU staff had limited experience in managing elections projects, and the operations team had limited knowledge of UNDP's procedures and rules. This limited their effectiveness and could have been improved with better guidance and coordination by senior ELECT management staff. In the future, it is recommended that the teams be located close to each other as the elections planning and operations unfold, so that project implementation can be managed more effectively.
- **Staff levels and difficulties recruiting and maintaining staff.** ELECT's capacity to provide appropriate technical assistance was constrained by its human resource contracting limitations. These limitations included not only UNDP's staffing caps due to the security situation, but also delays and inefficiencies created by overly bureaucratic contracting mechanisms. These were exacerbated by the relative difficulty in identifying qualified candidates willing to work in Afghanistan, and negative perception that developed around TA resulting from the 2009 elections, and the tough and challenging security and living conditions in Afghanistan reduced the pool of candidates who could be hired as technical advisors. The impact was most palpable in technical support provided to ECC during this phase but was also clearly visible in discussions about other areas.
- **Rationale for a project coordinator.** The post of project coordinator was initially created to alleviate the problem of having a CTA fill three full-time positions. The incumbent was supposed to coordinate the different aspects of the PMU and actions of other players (UNDP Country Office, ELECT operations section, UNAMA, donors, EAD, etc.), and keep the CTA informed of the

project management status, while reporting directly to the UNDP Deputy Country Director. In practice, the PMU's project manager had a great deal of experience and assumed the leading role on the administrative side. In the future, project management structure should be streamlined.

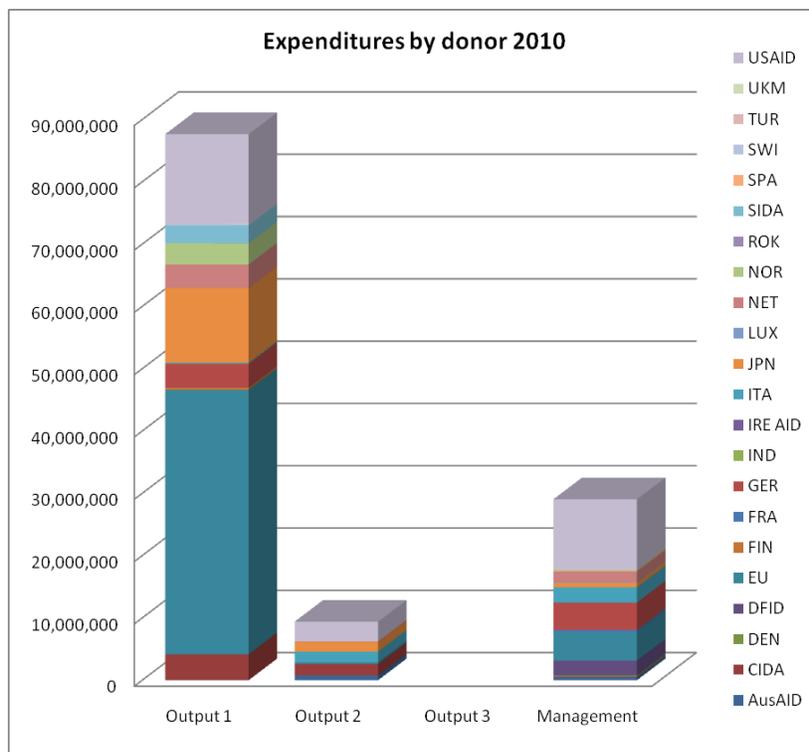
- **Procurement** for an electoral event on a tight timeline was too slow and rigid. Although this was felt to have improved over 2009, ELECT was unable to procure some needed equipment within the electoral timeline, and alternative arrangements had to be found. As an example, funding was transferred to the IEC to procure its vehicles. On the one hand, this helped build IEC and ECC capacity for procurement, but, on the other, it demonstrated that UNDP regulations are not suited to the pace of support to an electoral process and that expedited procedures need to be in place for projects that deliver support worth millions of dollars over a very short period of time.
- **Compressed timelines and unrealistic expectations** by recipients/partners complicated project management and gave rise in some cases to perceptions that ELECT was nonresponsive, particularly in regard to the ECC and the needs related to establishing its provincial network of offices and staff. This was aggravated by the experts' lack of understanding of UNDP procurement regulations, which meant some of their recommendations were difficult for the project to implement. UNDP had some long-term agreements in place for logistical support - e.g., with UNOPS - which helped mitigate some of the logistical difficulties.
- **Ensuring staff and office security** in the deteriorating security situation, and the additional challenges stemming from the need to upgrade security at compounds. This required personnel to be recalled while the required security upgrades took place. It also affected staff deployment and morale. ELECT had a security team and developed a security plan for the electoral period. Close liaison was maintained with ANSF and ISF Joint Command through weekly electoral security planning meetings. Provision for medical attention directly linked to the project added to an already full operational agenda.

Management of the basket fund

The basket fund, set up for the 2009 and 2010 elections, was managed by the PMU. This mechanism was seen by donors as expedient and efficient. From an assistance coordination and risk management perspective, it is more effective than bilateral arrangements as it helps prevent duplication and reduces management costs. A common pool of funds also sent a political message of unity.

At the end of 2010, there were still USD 40,528,000 left in the basket fund. UNDP was expected to work with donors to gain agreement for the transfer of the remaining funds at the end of ELECT to the follow-on project.

Most donors felt the transfer of funds to the IEC and ECC and management through MOUs were appropriate and should be maintained in the follow-on project. Given the systemic problem of accountability and corruption within Afghanistan, compounded by the security situation, which limits ELECT's and UNDP's ability to monitor and verify expenditures and procurements, and the uncertainties regarding independence of the IEC as the process moves forwards, the evaluation team does not recommend any change from the DEX modalities, for the time being. However, it does recommend that some funds continue to be transferred to the IEC and ECC for management through MOUs, unless there are changes in the IEC leadership that would point to a reduced independence.



3.4.4. Monitoring and reporting

Donors deemed that project reporting had improved in 2010. Nevertheless, they saw this as a weak programme area, mentioning a lack of clarity and punctuality for financial reporting and statements. Donors, who also had their own specific internal reporting dates and formats on the governance side, would have liked UNDP reporting to be customized. However, with so many donors, this could easily become a management burden for the project if not systematized.

An issue noted by the evaluation team was that the low profile adopted ELECT extended to its reporting. Although quarterly reports gave much more detail than annual reports on what the project accomplished or what some of its managements issues were, ELECT reports tended to focus on what the IEC and ECC did rather than on what the project did. While the reports do provide information on the achievement of anticipated objectives and financial expenditures by output and activity, which are essential, they do not make it possible - the annual reports, in particular - to determine what the 300 ELECT staff members actually did or what problems were faced in project management and/or in the provision of assistance. This significantly limits the usefulness of the reporting from a project monitoring and accountability perspectives.

ELECT should report on its own accomplishments as well as on those of the process. Where the UN wants to keep a low profile, this reporting could be kept internal and provided only to donors, with other stakeholders and the public receiving more generic reports on the process and ELECT's achievements against indicators. Simple templates could be created to indicate levels of contribution

and actual expenditures per output/donor, which would be provided at any time to donors upon request.

As regards monitoring, it is important to note that the security situation prevented ELECT from effectively monitoring the arrival and delivery of products and services in the provinces. The lack of staff in the field made it impossible to physically conduct verification of the shipments, which is essential for accountability purposes.

3.4.5. Recommendations

- **Continue the UN integrated approach**, which the team found to be a good practice, as it helps ensure the effective functioning of the UN system in a highly sensitive political environment. This approach was facilitated by the leadership of the UN in the coordination of the international efforts and allowed consensus vis-à-vis communication with local actors. The pattern of **close coordination** started by ELECT in 2010 between and among the different stakeholders and partners should also be continued. However, the internal coordination between the project management and procurement units and the technical advisory services needs to be promoted and strengthened considerably. As part of this, the UNAMA guidelines should be reviewed in light of the post-election context, and be adjusted as needed, so that they can be used to inform the subsequent strategies of support being developed by UNDP and international community. This review should be part of the Needs Assessment Mission's terms of reference.
- **Separate the daily management of technical assistance from the political advisory role.** The head position of ELECT was split into two positions instead of the three recommended by the midterm evaluation. The CTA retained the supervision of technical services as well as the political advisory role. Given the difficult political context and frenetic pace of assistance, this was too much for one person. While it is important to have one single head for any project, daily work on the technical assistance side should be entrusted to an equally experienced, senior person. This also holds true for the project management side, where the evaluation team recommends the position of project coordinator be replaced by that of project manager, as monitoring, reporting and coordination are an intrinsic part of project management. Both should also report directly to the CTA.
- **Revised recruitment and procurement systems by UNDP** for electoral support in post-conflict conditions, so as to meet the specific needs of a project. Although they include long-term institutional development and capacity-building aspects, electoral projects are event-driven. The evaluation team considers effective planning for procurement and recruitment needs to be a priority on the ground. However, such planning needs to be matched by the timely response of the organization, as there tends to be a gap between the organizational bureaucracy and the urgent responses expected. Whenever political stakes are high, a fast mechanism should be found where accountability is not compromised and where decisions are made at a high level within UNDP, so as to prevent procurement decisions from being stalled by the bureaucracy.
- **Provide systematic information to all technical advisors** on UNDP's rules and procedures for procurements. As recommended under Output 2, ELECT could design a short, mandatory, e-learning module to familiarize all ELECT staff and relevant partner staff with UNDP procedures and regulations that impinge on the conduct of assistance to electoral bodies.

- **Improved reporting to donors**, both programmatically and financially, to ensure UNDP meets the needs of its donors. ELECT PMU should strive to prepare donor-friendly reports. For programmatic reporting, quarterly reports should not only focus on the three-month period under review but also provide an overall analysis of how the process is moving forward, with clear information on the inputs from donors and the results. They should also clearly indicate the measure in which the project served to assist the process. For financial reporting, donors should be provided with reporting on levels of funding contributions versus actual expenditures at regular intervals.

4. CONCLUSIONS AND RECOMMENDATIONS

ELECT's achievements in 2010 demonstrated that it had learned many of its lessons from 2009. It significantly improved its performance as well as its relations and coordination with beneficiaries, donors and stakeholders, which increased the impact of its assistance. While ELECT, in 2009, was riddled in controversy and perceived as, at least partially, responsible for not having guaranteed the quality of the elections, in 2010, it was deemed to have been an effective partner that provided effective technical advice and strong operational support to the IEC, which mitigated the scope of potential problems. These improvements stemmed from a number of factors, including the more focused nature of the project on core IEC support and the change of leadership within ELECT and at the IEC. Together with the SRSRG, the CTA and UNDP Country Office built a more cohesive team that brought the wide diversity of stakeholders together for a more integrated and effective assistance effort. Their work was also facilitated by the comparatively lower political profile nature of the parliamentary elections when compared to the highly politicized and zero-sum presidential elections. However, at the same time, their efforts were seriously constrained by the deteriorated security situation in many regions of the country and its impact on all areas of election and project management.

The evaluation team found that, in 2010, ELECT met its intended CPAP Output of "*A strengthened Electoral Commission conducts and supervises elections.*" The IEC was strengthened as a result of ELECT assistance provided in 2010 and the IEC emerged from the process with an image of institutional credibility and competence absent at the end of 2009, despite the fact that ELECT international technical assistance support decreased at the field level and that the elections to be organized were much more complex from an administration and logistical point of view.

ELECT partially met its second CPAP Output of "*National institutions, ECC, civil society organizations, political parties, and a well-informed electorate (including women and marginalized groups) contribute to credible elections.*" This output was more appropriate for the 2009 project than for the revised 2010 project as the revisions focused ELECT assistance on the IEC, rather than on the ECC - although it still received substantial levels assistance in 2010 -, and left to bilateral efforts the complementary assistance to civil society and others, as recommended by the mid-term evaluation. However, ELECT support to the ECC was indispensable because the latter could not have become operational and capable of resolving election complaints at the national and local levels without this substantial operational support.

The evaluation team also found that ELECT met its 2010 target of "*The IEC organizes 2010 Parliamentary elections with lesser dependence on international advisors.*" ELECT's entire approach strongly supported the IEC so it could better implement its work, but at the same time maintained a much more discrete

and supportive role than that provided in 2010. The inability of UNDP to procure some of the services and materials within the timeline also resulted in the IEC taking over much more of these responsibilities than had been originally intended. These factors, combined with the more pragmatic leadership within the IEC, significantly reduced the operational role played by ELECT previously, and helped strengthen IEC's leadership and ownership of the process. This was reflected in observer reports. In 2009, the EU observation report was replete with references to ELECT's role in the process, starting on page 1. The report for 2010 covered the commitment and activities of the BoC, IEC Chairperson and CEO to conduct the process, and ELECT actions were mentioned only twice - and not until page 12.

The primary challenge facing ELECT in the post-election environment is how it can best use its remaining time and resources to assist the IEC to consolidate the gains made during 2010. Many of those improvements were based on individual performance and now need to be institutionalized. The situation within Afghanistan remains fragile and deserves a careful, comprehensive and systematic assessment. As of the writing of this evaluation report, the NAM that had been scheduled for April 2011 had been postponed indefinitely for security reasons, and the Special Court created by the President was still investigating the 2010 election results. Maintaining the hard won gains of 2010 will require continued international attention and assistance. It is important that ELECT keeps a continued and active presence to support the IEC in its efforts to strengthen its institution and the electoral processes until the anticipated follow-on project is developed and starts operations. At the same time, it is also important to closely follow up and fully assess the evolution in the political climate.

The development of a strong, credible and independent IEC will require the support of the national authorities as well. The political will to accept a truly independent commission is uncertain. The ability of the IEC to maintain its independence deserves a careful assessment as part of the NAM, once it is scheduled. In addition, ELECT donors and the SRSG should continue to lobby the Government for its commitment to an independent commission and, at the very least, for some positive signs of intended support and co-responsibility from the national authorities to this end. This could be the entry point for electoral reform.

Recommendations

For the immediate term:

Identify a replacement for the CTA position, now vacant. It is essential to have a senior electoral expert continue to lead the project, at the very least during the remaining time of ELECT. This person must have good interpersonal skills as well as project management experience. This is an important time, as many critical issues will be discussed and decisions taken - for the ELECT project, for the completion of the 2010 electoral cycle, and for the terms and conditions of any successor project with the longer-term objectives of capacity building and institutional strengthening.

Continue regular coordination meetings of ELECT donors on a monthly basis at least, and more frequently if needed, under the required political advice and guidance from UNAMA. It is critical to ensure close follow-up of the post-electoral situation and maintain the unified voice and position of the international community on electoral issues, including both needed adjustments in the follow-on project and measures to address any unwarranted challenges to the successful conclusion of the 2010 process.

Discuss and design the follow-on project to ELECT that incorporate medium- and long-term capacity building of the IEC, along the lines and priorities already identified. It should continue to be a

comprehensive and well-coordinated project, based on a careful assessment of IEC capabilities and needs, both at headquarters and in the field (regions and provinces). It should also focus on needed electoral reforms and timely assistance to the 2013 electoral cycle. The former ELECT CTA developed a concept paper that can provide a good basis for the formulation of such a project. The design process should start without delay; if not completed before the end date of ELECT, the latter should be extended to avoid a gap in assistance. The team's recommendations for the specific components of support are provided at the end of each of the relevant sections in the main body of this report. However, the **focus should remain on the basics** - capacity building and development in the core and strategic areas for the planning, organization, implementation, and evaluation of the elections. Additionally, UNDP should further clarify the **terms of coordination with implementing partners**. The good relationships that prevailed in 2010 also depended to a large extent on personal relationships between the CTA and IFES Vice President; this should now be institutionalized as well.

For the longer-term:

Maintain international focus on the independence of the EMB. For the international community, one of the key issues for the future will be how to build broader government ownership and responsibility allowing the conduct of free and fair elections. This commitment is required for any changes or capacity building developed through assistance to be sustainable and for the IEC to be able to make the long-term institutional changes needed to minimize the impact of political pressure and malfeasance on its operations. This will require the long-term focus of the international community, above and beyond the efforts of an elections support project. In this endeavor, donors need to continue their close monitoring of the situation, speak with one voice and send unified messages. One of the first steps should be to request a formal commitment from the national authorities in support of an independent EMB, followed by demonstrable actions. The fixed operating cost of maintaining the IEC in its present configuration is around USD 20 million/year. Donors should consider contingency planning for how to respond if IEC leadership were changed or if other adverse events impacted the independence of the institution and its ability to utilize donor funds effectively and transparently. This could be achieved by conditioning donor support on fundamental reforms aimed at ensuring IEC's sustainability and independence. This is a political issue which should be explored by the NAM as part of its terms of reference. This will provide the needed information and analysis for UNAMA and the international community on how this issue of political will and conditionality could be best approached and put into practice. UNAMA's role in electoral reform should also be clarified and agreed to by the national authorities.

Maintain international support for the IEC under an umbrella project led by UNDP. UNDP as a multi-lateral development agency is the most appropriate organization to manage a follow-on project to the IEC. It has global experience in implementing these electoral assistance projects, especially in post-conflict situations, and a long-term institutional development and capacity-building perspective. It also has direct experience with elections support in Afghanistan. The evaluation team also recommends that donors continue to channel their efforts through this project. The combined weight of the funding gives it the ability to achieve more than disparate efforts would, and also reduces the management burden on the IEC in dealing with donors and assistance.

Support development of a credible voter register. There is an urgent need to address the issue of the role and quality of the voter register for future elections, and of its relation to collateral activities, such as the civil registry and boundary delimitation. This process needs to start with a comprehensive analysis of voter registration efforts to date and of the quality of the present voter register. Once a complete diagnostic is in place, plans need to be developed for establishing a comprehensive and accurate

register for the next national electoral exercise. This should be linked to a proper boundary delimitation process to the district and local levels as established in the legal framework. The plan should be realistic for the Afghan context and one which the IEC could sustain over the long term.

Deepen synergies with bilateral programmes that address political culture and other contextual issues that adversely affect the integrity of the electoral process. Many of these problems are deeply rooted and require an integrated and multifaceted approach by donors. ELECT set a precedent for good coordination for election support which should be expanded by its follow-on project to the broader climate within which electoral actors (IEC, political parties, candidates, legislators, government officials, media and domestic observers) and other political, judicial and civic actors inter-connect. The support or impact of any electoral reform process should be increasingly integrated into this broader scheme of activities.

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Annex 2: Persons Interviewed

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Akifi, Member
Ahmad Zia Rafat, former Commissioner
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Independent Electoral Commission

Fazel Ahmad Manawi, Chairman
Abdullah Ahmadzai, Chief Electoral Officer
Shariff Nasry, Head of the Gender Unit
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Democracy International, Inc.

Jed Ober, Head of U.S> International Observation Mission (2009-2010)

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