



Final Report
National Assembly and Provincial Council Elections 2005
Joint Electoral Management Body

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Introduction

The 2005 National Assembly and Provincial Council Elections represent enormous achievements for Afghanistan. Millions of voters across the country exercised their democratic rights to elect legitimate representatives to institutions that will govern the country at the national and provincial levels for the coming years. The elections were the first parliamentary elections in Afghanistan in decades, and they mark the end of the transitional period and the birth of a fully self-governed country.

While elections alone do not guarantee democracy, the electoral processes over the last two years do build a strong foundation for the future of a democratic country. It is with confidence that the Joint Electoral Management Body hands over to the Independent Election Commission of Afghanistan and its Secretariat the task of implementing future elections in Afghanistan.

Post-conflict elections are always difficult in both political and operational terms, but there can be little doubt that this year's elections were challenging even by post-conflict standards. The 2005 elections stand as a testament to the commitment of the electoral staff. This event will be historic for many reasons, but the memories of working together for a better future will be everlasting. We thank those involved for their dedication over the last year.

Peter Erben

Chief Electoral Officer of Afghanistan

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Chairman of the JEMB

Executive Summary

The achievement of the presidential election on 9 October 2004 and the appointment of a new cabinet brought new momentum to the Afghan peace process. It was vital for Afghanistan and the international community to take full advantage of this opportunity, to move the agenda of the Bonn Agreement forward and hold the first National Assembly and local elections in over thirty years.

The Joint Electoral Management Body (JEMB), the joint Afghan-UN body mandated by presidential decree to manage and administer the Afghan elections, set the date for the *Wolesi Jirga* and Provincial Council elections for 18 September 2005. The United Nations Office for Project Services (UNOPS) was designated as the primary implementing agency for the operation, while the United Nations Development Program (UNDP) supported the operation with resource mobilization and funds management. The United Nations Assistance Mission in Afghanistan (UNAMA) provided political support. An agreement was signed between UNOPS and United Nations Volunteers (UNV), which facilitated the latter's provision of a large number of staff to the elections project, in particular training and public outreach staff.

The administration of the 2005 elections was a complex task. Complications related to the electoral system were compounded by an ambitious timeline. Thirty-four constituencies elected members to two institutions, and a nationwide nomad constituency elected representatives to the *Wolesi Jirga*; this necessitated a new legal framework for the elections and an entirely new set of electoral regulations and procedures. The JEMB and its Secretariat (JEMBS) faced logistical challenges greater than those encountered during the presidential election of 2004. An enormous volume and weight of materials had to be distributed quickly across a vast geographic area using only the country's limited infrastructure, and against persisting security issues.

Operational Set-up

By the end of February 2005, the Chief Electoral Officer and senior electoral management had arrived in Kabul. By the end of April, the establishment and staffing of the JEMBS headquarters in Kabul, eight regional offices and 34 provincial offices were nearly complete. At its peak, the Secretariat was staffed by 541 internationals and 179,384 nationals. Nearly five percent of the JEMB staff (8,632) was recruited from the disabled community. The elections were implemented through a regional structure managed directly from Kabul and executed at the provincial level by both national and international staff. The election operation at the local level was implemented by nationals alone. The JEMB and its Secretariat were co-located on the same compound in Kabul to ensure maximum collaboration and support.

To ensure timely elections, the JEMB and its Secretariat assisted in revising the Electoral Law for approval by the president and his cabinet. The new Electoral Law formed the cornerstone of the election operation and provided mechanisms necessary to implement the process in the abbreviated timeframe. Significant amendments to the Law included a revised candidate nomination process, the allocation of Provincial Council seats to women and the provision for an independent Electoral Complaints Commission.

Candidate Nomination and Ballot Production

The first major challenge for the JEMB was to execute the candidate nomination process. This phase of the operation took place over the course of one month in May, during which 6,103 Afghan men and women presented their candidacies by filing nomination papers in the JEMB provincial offices. The Electoral Complaints Commission (ECC) reviewed all nominations to determine the candidates' eligibility. Seventeen candidates were excluded from standing as a result of challenges: 11 for having links to illegal armed groups, five for having insufficient valid signatures to support their candidacies and one for holding a prohibited public office.

Following all withdrawals and disqualifications, 5,800 candidates remained on the candidate lists, including 582 women. A ballot lottery was held in Kabul to determine the order of the candidates' names on the ballots. The large number of candidates necessitated custom-designed ballots in a 'newspaper' format, which included the candidates' photographs, names and unique symbols that were allocated to candidates during candidate nomination. Many provinces saw hundreds of candidates running for office, with four of the 69 electoral races necessitating a seven-page ballot.

Given the lack of a reliable voter registry and voters' lists allocating voters to polling locations, it was not possible to accurately estimate the voter turnout, either overall or in specific locations. Consequently, to ensure adequate resources were in place, the JEMB authorised the production of 40

million ballots across the 69 different elections. This assured that no individual polling location would run out of ballots even if a significantly higher number of voters than estimated would turn up on polling day. The ballots were printed in the United Kingdom, Austria and Germany, after undergoing a strict quality-control process.

Voter Registration

A comprehensive voter registration exercise was conducted prior to the 2004 presidential election, during which approximately 11 million Afghans registered to vote. Prior to this year's elections, a limited period of voter registration was implemented to update the registry with those Afghans who had returned to Afghanistan since the last registration period, those that had turned eighteen since the last registration, those living in areas where insufficient registration facilities had previously been provided and those who needed to update or correct the information on their voter registration cards. This voter registry update took place over the course of one month in June and July. In support of the registration process, the Secretariat assessed and identified 1,052 voter registration sites; recruited, trained and monitored over 6,000 registration staff; undertook an extensive public outreach campaign and developed and implemented a detailed security plan.

By the completion of this year's registration process, 1.7 million Afghans had visited registration facilities to obtain new cards or correct existing ones. Women accounted for 44 percent of the new registrants, although it is accepted that there was some proxy registration, particularly in the South and Southeast.

The multiple registration encountered in 2004 continued to some extent in 2005, largely because no reliable personal documentation was available and no biometric comparison technology used. It is impossible to estimate the extent of this problem, and therefore the actual size of the registered electorate cannot be accurately determined. The absence of a reliable voter registry and the resulting absence of an exact voter list for each polling station was one of the most significant weaknesses of the electoral process, seriously affecting the accuracy of logistical planning and the election administration's ability to protect against electoral fraud.

Election Day

Throughout the summer, public outreach activities continued to explain the electoral process and encourage Afghans to participate. In addition to the consistent broadcast of messages nationwide by all the traditional means of mass communication, over 9.5 million Afghans were reached in face-to-face activities by 1,872 civic educators throughout the country. A total of 825 small grants were provided to communities to help strengthen civil society through events that included civic education activities. Voters were also encouraged to dial a toll-free telephone number to reach operators at the Voter Information Centre, which fielded nearly 110,000 phone calls related to the elections. To promote transparency and ensure that all stakeholders were fully informed and involved in the process, the JEMB and JEMBS met regularly with political parties, candidates, the media and observers.

The JEMBS provided detailed and thorough logistical and staff support in preparation for Election Day. Materials were successfully procured and distributed to 26,248 polling stations in 6,260 locations nationwide. To ensure the safety and security of both staff as well as sensitive election materials, detailed security, logistical and contingency plans were integrated into every phase of the process. These were developed in coordination with the Afghan National Army, the Afghan National Police, Afghan intelligence organizations and the International Military Forces. In preparation for polling, over 160,000 polling station officials and around 60,000 security officials were recruited, trained and deployed across the country.

The Media Commission, established by the JEMB in accordance with Article 51 of the Electoral Law, monitored the media's coverage of the electoral campaign. It also addressed complaints alleging breaches of the Mass Media Code of Conduct and implemented the Sponsored Advertisement Program. This program, the largest of its kind ever implemented, provided each candidate with equitable access to the media throughout the official campaign period. Of the 5,800 candidates, 3,300 of them (78 percent of all female candidates and 67 percent of all male candidates) broadcast campaign messages through the program. This program had the additional advantage of blocking all available airtime, effectively preventing the candidates from attempting to circumvent the media regulation by buying the airwaves.

The JEMB accredited over 240,000 national and international stakeholders (observers, political party and candidate agents and media representatives) to monitor the elections, with accreditation offered in all JEMB provincial offices. This ensured additional transparency to the process and allowed candidates representation in the polling stations. However, the large numbers of candidate agents and the fact that many displayed a poor understanding of their role proved problematic in some areas.

Election Day proceeded calmly, as approximately 6.4 million Afghans voted across the country. The number of security incidents or attacks on polling centres was minimal; the isolated incidents that occurred were minor and did not significantly impact the polling process, a relief in an environment in which significant security incidents had been a strong possibility.

Although the turnout (51.5 percent of the total number of registration card issued) was lower than it was for last year's presidential election, the JEMB feels that it was satisfactory. Turnout was higher this year in seven provinces (including Nuristan, where the turnout nearly doubled) and among the Kuchi population, which is likely due to the higher number and better geographic spread of polling stations—across Afghanistan, there were around 30 percent more polling stations established this year than for last year's elections. The turnout was lower in all major urban areas throughout the country, including Kabul, and throughout the Southern region. A number of factors could have contributed to this, including the requirement this year that voters only vote in the province identified on their registration cards, the large number of candidates standing for office, widespread reports of voter intimidation by candidates and their agents and persisting security issues.

Counting

The counting of nearly 13 million ballots began the day after Election Day. Thirty-four count centres were set up in 32 provinces, and over 10,000 staff recruited and trained for the count. Data entry clerks were trained and deployed to the count centres to set up the necessary infrastructure to keep track of the ballot boxes and provide results. The counting took place over three weeks; more time was required than originally projected to audit the results. As soon as this audit process was complete for each province, provisional results were declared by the JEMB and posted on the JEMB website. Once the provisional results for a province were announced, a five-day complaints period commenced during which the results could be challenged. Only after these complaints and any other complaint that could affect the results had been adjudicated and any necessary remedial actions implemented did the JEMB certify the final results.

The JEMB established rigorous quarantine and audit procedures in the count centres to detect attempts at fraud. These measures included careful material inspection and interviews with electoral staff and observers. However, in a number of provinces, these procedures were not implemented systematically during the initial stage of the intake. This compounded the problems of reported polling irregularities and damaged the credibility of the process in some provinces. Of the 5,060 losing candidates, and the overwhelming number of agents in the count centres, many were quick to blame losses on electoral fraud. Although the vast majority of complaints were unsubstantiated, allegations were given credibility by the fact that there had been some level of fraud on Election Day, and also by isolated instances of fraud in the count centres.

The JEMB took strong measures against detected fraud, including the exclusion of ballots from the count. In total, ballots from 703 polling stations and 74 additional ballot boxes were excluded from the count because of indications of fraud. Electoral staff implicated in irregularities were dismissed immediately, were reported to the Afghan authorities and will not work for the Afghan election administration again. These measures sent a clear message that fraud is unacceptable and will be acted against in Afghan electoral processes.

However, it should be noted that while there was certainly some level of fraud, investigations by the JEMB show clearly that electoral irregularities were less widespread than claimed by some stakeholders. It should also be noted that fraud is an unfortunate but common feature in many elections, particularly those held in post-conflict and developing countries, in which democratic traditions are still being established. The irregularities observed during the 2005 process are comparable to those of other developing democracies.

The counting operation proved to be the most significant challenge of the entire election operation, not just because of the problems experienced with fraud and the allegations and perception of fraud, but also because the JEMB had to make significant operational adjustments during the count to achieve the objectives within a reasonable timeframe. While the count was finalised in an acceptable manner,

significant obstacles during the process led to a slight delay in the original projected timeline for the provisional and final results.

Meshrano Jirga Elections

Once the JEMB certified the results, the Provincial Councils convened and commenced their work. One of their first significant tasks was for each council to elect two of their members to sit in the *Meshrano Jirga* (upper house of the National Assembly). This indirect election process was administered by the JEMB through its field structures and implemented by Afghan electoral officials. Members of the JEMBS were present at each election, and final results were certified by the JEMB in Kabul once the ECC had dealt with any resulting complaints. The final three *Meshrano Jirga* elections were certified on 26 November, bringing the 2005 electoral process to a close within the projected timeline.

Post-Election Strategy

The JEMBS also supported the Post-Election Strategy Group (PESG), which was established by UNAMA and the Independent Electoral Commission (IEC) of Afghanistan with a mandate to develop and implement a comprehensive post-election strategy for Afghanistan's electoral institution to effectively carry out its duties. According to the current law, the JEMB will dissolve 30 days after the inauguration of the National Assembly, at which point the IEC will become the institution responsible for Afghanistan's elections. The IEC was inaugurated on 6 November; its transitional phase will last through the start of the next fiscal year, in March 2006, when part of its core running costs will be integrated into the national budget. The JEMBS, in consultation with key stakeholders, supported the provision of all of the IEC's core needs during this transitional phase, including advice on a policy and legal framework, operational concepts and budgets, national and international staffing and capacity building, offices, equipment and a communications network.

Conclusion

The 2005 elections were a milestone for Afghanistan. The Afghan people came out in their millions to elect their democratic representatives to the *Wolesi Jirga* and Provincial Councils. Voters participated calmly and peacefully. This is a tremendous credit to the people of Afghanistan.

The operational achievement of the 2005 Afghan election project lies in the fact that an acceptable electoral process has been implemented in the face of significant challenges. These challenges included those related to the electoral system—69 different and complex ballots, the vast weight and volume of electoral material requiring distribution and retrieval and a large number of losing candidates—and those related to the country itself—the enormous geographic area, minimal infrastructure and continuing security issues. All these challenges were compounded by the lack of an accurate voter registry and by an abbreviated timeline, in which delays in any aspect of the operations could have led to delays in the election itself. The elections cost approximately \$14US per registered voter, which compares favourably with other post-conflict elections, despite the complexities listed above¹.

The JEMB believes that the results reflect the will of the voters and that the elected National Assembly members should be accepted by the Afghan people as their legitimate representatives. As in many elections, particularly in countries recently emerging from conflict, there were irregularities. These should not be overlooked, and Afghanistan should look to improve on this aspect of the process for future elections. However, the irregularities do not detract from the fact that these elections were a significant step forward for Afghanistan. The JEMB believes that the 2005 Afghan National Assembly and Provincial Council elections represent a credible and accepted electoral event.

For further information, please refer to the JEMB website (www.jemb.org), which will remain operational for reference purposes. All certified results and all JEMB decisions, regulations, procedures and reports, including the Media Commission and PESG reports are available on the website.

¹ \$165 million divided by a projected 12 million registered voters. This figure compares favourably with the cost of other similar electoral events that had some level of international participation and were conducted in comparable socio-economic environments: Kosovo 2000 at \$37 per voter, Kosovo 2001 at \$27 per voter, Nicaragua 2001 at \$14 per voter, Cambodia 1993 at \$45 per voter and Mozambique 2003 at \$10 per voter.

Background

Joint Electoral Management Body

The organization with primary authority for administering the 2005 elections was the Joint Electoral Management Body (JEMB), a joint commission of representatives of the Afghan government and the United Nations. The JEMB was a legal-administrative body tasked with issuing and publishing regulations, procedures, instructions, notifications and guidelines for the registration process. The JEMB's role was similar to that of the Independent Electoral Commission established in Article 156 of the Constitution, which has the power to administer and supervise elections and to consult public opinion in fulfilling its mandate. However, it was deemed important during the transitional period established by the Bonn Agreement to have close cooperation between Afghans and internationals for the first presidential and parliamentary elections.

During the course of its operation, the JEMB took decisions and adopted regulations and procedures to regulate all aspects of the electoral process, from voter registration to candidate nomination, campaigning, polling and counting. In total, the JEMB took approximately 100 decisions, adopted 16 separate regulations elaborating the tenets of the Electoral Law and approved eight electoral procedures.

The JEMB consisted of 13 voting members and the non-voting Chief Electoral Officer. Nine members were Afghans appointed by the president and four were international electoral experts appointed by the UN Special Representative of the Secretary General for Afghanistan. Presidential Decree 24 of 7 June 2005 gave the JEMB full responsibility for preparing, managing, convening and overseeing the 2005 *Wolesi Jirga* and Provincial Council elections. The functions of the JEMB are to dissolve at the end of the transitional period, at which time the Independent Electoral Commission will take up its Constitutional mandate to supervise and administer elections in Afghanistan.

The full JEMB met in plenary session on a regular basis (usually three times per week) to receive reports from the JEMBS on the progress of electoral preparations, consider operational and political developments and to take decisions on policies, regulations and procedures. The JEMB was regulated by presidential decree, which required a quorum of ten members and a three-quarters majority to adopt decisions. The JEMB also operated according to its own rules of procedure. To facilitate its work, the JEMB was also organized into a number of sub-committees of between three and four members with special expertise in a particular electoral area. These sub-committees met regularly with members of the JEMB Secretariat to consider specific electoral issues and to identify and recommend appropriate policies.

Institutions to Be Elected

The Constitution dictates that the National Assembly consist of two houses: the 249-member *Wolesi Jirga* (a house of people, or lower house) and the 102-member *Meshrano Jirga* (a house of elders, or upper house). The *Wolesi Jirga* is to be directly elected by eligible voters for a term of five years. In contrast, the *Meshrano Jirga* is to be comprised of three different groups: one-third are appointed for five-year terms by the president; one-third are elected to four-year terms from the Provincial Councils; and one-third are elected to three-year terms from the District Councils of each province. The qualifications for candidacy to become a member of the National Assembly are set forth in Article 85 of the Constitution.

The exact number of representatives elected to each Provincial Council and to the *Wolesi Jirga* was based on population data for the provinces. The population figures were provided to the JEMB by the Central Statistics Office, and the seat distribution was calculated by the JEMB according to these population figures and the formula established in the 2005 Electoral Law.

According to the Electoral Law, the Single Non-Transferable Vote (SNTV) electoral system was used to elect members to the *Wolesi Jirga* and Provincial Councils. Under this electoral system, each voter casts one vote for one candidate from a range of candidates on the ballot for a constituency. The candidates receiving the most votes are elected to sit in the *Wolesi Jirga* or in the respective Provincial Council.

As of yet, no District Councils exist because the district boundaries and population figures have not yet been determined. Therefore, the provision of the Constitution requiring the District Councils to elect *Meshrano Jirga* members was interpreted by the Supreme Court of Afghanistan and a presidential decree to permit the District Council component of the *Meshrano Jirga* to be filled by an additional transitional representative elected by each Provincial Council. The transitional members will

resign their seats in the *Meshrano Jirga* once the District Councils are constituted. The National Assembly, once constituted, will be tasked by the president to resolve the issues related to districts.

The Constitution and Electoral Law include provisions that guarantee the representation of women in the *Wolesi Jirga* and in Provincial Councils. Sixty-eight of the 249 seats in the *Wolesi Jirga* and at least one-quarter of the seats on each Provincial Council were reserved for women. However, it is important to note that women could, and did, win more seats than those reserved on the strength of their individual votes.

Legal Framework

The legal framework governing the elections of Afghanistan's National Assembly and Provincial Councils are established in Afghanistan's Constitution. Specifically, Chapter 5 of the Constitution discusses the composition and duties of the National Assembly, while Chapter 8 mandates the creation of a provincial council in each of Afghanistan's 34 provinces.

The process for administering the National Assembly and Provincial Council elections was elaborated in the Electoral Law adopted prior to the 2004 presidential election and amended in May of 2005 in anticipation of these parliamentary elections. The Electoral Law discusses, among other things, the organizational structure for electoral administration, the parameters and requirements for conducting an election, voter and candidate eligibility requirements and the process for adjudicating any complaints regarding the electoral process. Notably, this year's amendment of the Electoral Law established an independent Electoral Complaints Commission (ECC) responsible for hearing complaints and imposing penalties in response to them. The Provincial Election Commissions represented the ECC in the provinces. The Electoral Law also discusses the requirements that had to be met before the results of the election could be certified.

Implementation

Organisational Set-up

The senior electoral management arrived in Kabul at the end of February 2005, by which point much of the election support structure was already in place. Over March and April, large numbers of electoral staff arrived to assume positions within the election administration. The JEMBS was staffed by 541 international staff members and around 8,000 nationals. On polling day, the number of national staff members swelled to nearly 180,000.

JEMBS management kept the organizational structure as streamlined and well-defined as possible to enable direct management and organizational flexibility. The JEMBS implemented the election operation from a headquarters in Kabul, eight regional offices and 34 provincial offices.

The Chief and Deputy Chief Electoral Officers headed the JEMB Secretariat, while the management office, consisting of the Chief of Operations and the Chief of Staff, assumed responsibility for managing and coordinating ten election departments: External Relations, Legal Services, Public Outreach, Support (Logistics), Program Management, Communication and Information Technology, Security, Training and Capacity Building, Counting and Field Operations.

The Field Operations Department coordinated the work of the eight JEMB regional offices. The Joint Election Operations Centre (JEOC) was a cross-departmental mechanism set up in the early stages of the operation to coordinate key aspects of the work of the JEMB Secretariat in the regions and provinces. The JEOC included representatives of various departments, particularly Field Operations and Security, supported by Training, Public Outreach and Support during relevant phases of the operation. Also present in the JEOC were liaison officers for the Afghan government and the International Military Forces.

The JEMBS retained the regional and provincial structure used to implement the 2004 presidential election. The regional structure allowed greater management control over provincial offices and allowed for a stronger understanding of the geographical and political challenges faced by each province. Regional Election Coordinators (RECs) worked closely with Afghan counterparts to head the regional offices and manage regional external relations, support, administration, security, training and public outreach staff. The RECs coordinated the work of the Provincial Election Officers (PEOs), who worked closely with their Afghan counterparts to head the JEMB provincial office and manage the provincial election team. The provincial offices were responsible for implementing the entire election operation in their respective provinces. Two operations officers contracted by Kroll Security International worked in most provincial offices under the management of the PEOs. The operations officers were fully integrated into the provincial team and the JEMB Secretariat reporting structure.

Operational Concept and Electoral Calendar

An operational concept and indicative budget for the elections were finalized in March. They provided stakeholders with an operational overview of how JEMBS intended to conduct the elections. Also included in the concept was an election timeline, which was approved by the JEMB as the electoral calendar. The concept was written before many key staff arrived in country, and its limitations were clearly explained to stakeholders upon presentation. The JEMB's ability to keep to the very short timeline outlined in the concept was therefore one of the key operational successes of the 2005 elections. Only one aspect of the election operation—the announcement of provisional and final results—was delayed; all other aspects were implemented in accordance with the operational concept and calendar.

Candidate Nomination

The first significant operational challenge of the 2005 elections was the conduct of a comprehensive candidate nomination process. Much of the JEMBS organisational structure was still in the process of being set up, and staff were still arriving during candidate nomination. However, it was vital that the process be conducted accurately, as it formed the basis for much of the electoral processes that would follow, in particular ballot production. Procedures that simplified what was an inherently complicated process were developed by the JEMBS and approved by the JEMB, and training modules based on these procedures were sent to each provincial office.

A compressed public outreach campaign was conducted in the weeks before the candidate nomination period, but it was limited by the fact that international public outreach officers were still being deployed and nationals were still being recruited. This led to the use of mass media (television,

radio and newsprint) as the primary method of communicating information on the candidate nomination process. Nearly 175,000 candidate nomination flyers were printed and disseminated throughout Afghanistan. Three public service announcements (PSAs) were produced by the message development section: the first contained general information about the candidate nomination process, the second specifically targeted women and the third concerned the extension period. Four roundtable discussions and three radio dramas relating to candidate nomination were also broadcast. This outreach effort was also supplemented by meetings with district *shuras*.

Under the SNTV electoral system, individuals were required to nominate themselves as candidates. Candidates were required to submit nomination papers in person at the JEMB provincial office in the province in which they wished to run for office. Candidates were also required to submit a list of the names and voter identification numbers of supporters registered in the constituency in which they wished to run (300 signatures for *Wolesi Jirga* candidates and 200 for Provincial Council candidates) and a candidate deposit (10,000 Afghanis for *Wolesi Jirga* candidates and 4,000 Afghanis for Provincial Councils) as outlined in the Electoral Law. In addition, each candidate was required to sign a declaration of compliance with the candidate eligibility criteria (defined in the Constitution and in the Electoral Law) and a Code of Conduct.

Candidate data were recorded directly by data entry clerks who had been trained in Kabul and deployed to the provinces with candidate nomination kits. The data were uploaded daily to the candidate database, and a digital photograph was taken for use on the ballot paper. Candidates were required to select a symbol that would appear next to their name and photograph on the ballot paper. The JEMBS had spent considerable resources identifying symbols that were easily recognizable to all Afghans. Through a 'chance-and-choice' lottery system, the candidates chose three symbols at random and selected from these one single symbol, which they could use to campaign and which would allow voters to identify them on the ballot. The use of symbols during the campaign proved to be one of the most memorable aspects of the 2005 elections, with candidates enthusiastically displaying symbols on posters across the country.

Importantly, a candidate nomination receipt was printed for and signed by each candidate. The receipt contained all the information that would appear on the ballot—name, a colour copy of the photograph and the symbol. The requirement that candidates sign off on this information provided protection against complaints later in the electoral process. Candidates were also asked if they wished to be affiliated to a political party, and both the candidate and the party signed off on this affiliation. While affiliation did not appear on the ballot, the JEMBS did produce public outreach material showing candidates' affiliations to political parties (see *Ballot Production* section below, on sample ballots).

The nomination period was scheduled to run for three weeks from 30 April until 19 May. However, this period was extended until Monday, 23 May (except in Nangarhar province, which was extended until 27 May) when security incidents across Afghanistan caused a number of provincial offices to close for varying lengths of time.

A total of 6,102 Afghan men and women filed nomination papers to run as candidates for all elections. In the 34 provinces, a total of 2,835 people nominated themselves as *Wolesi Jirga* candidates, including 66 Kuchis and 344 women, of whom seven were Kuchis. A total of 3,201 Afghans came forward as candidates for Provincial Councils, including 285 women.

The large number of candidates indicated a successful candidate nomination process. Despite a very short period for public outreach to potential candidates, it was clear that even in remote areas, those wishing to run as candidates were informed of the process and had the opportunity to nominate themselves. Although the JEMBS was not fully staffed at the time, a flexible use of resources allowed the process to be conducted effectively. Importantly, candidate nomination marked the start of the positive trend of female participation in the election, with enough women candidates running in all provinces to fill the allocated *Wolesi Jirga* seats and enough in all provinces except three (Zabul, Uruzgan and Nangarhar) to fill the seats allocated to women in the Provincial Councils. The number of women that nominated themselves for Provincial Council seats and would therefore play a role in local governance was undoubtedly one of the most positive aspects of the nomination process. This was even more remarkable considering that the allocation of National Assembly seats to women defined in the Constitution was only extended, in modified form, to Provincial Councils as part of the Electoral Law passed days before the start of the candidate nomination.

Candidate Vetting and Production of Candidate Lists

Following candidate nomination, the JEMB produced preliminary candidate lists, which were displayed outside provincial offices and in other public places from 4-9 June. The preliminary lists showed the name, photograph and symbol of all candidates who had nominated themselves for each race in the respective province. The Kuchi list was displayed in all provinces. Any person could challenge the eligibility of a candidate to stand for office. The newly appointed Electoral Complaints Commission (ECC) adjudicated these challenges. Provincial Electoral Commissions (PECs), members of which came to Kabul for a comprehensive training in early June, were able to advise the ECC as to the eligibility of candidates after reviewing the candidate nomination papers.

During the three weeks following the display of the preliminary lists, the ECC adjudicated all challenges related to candidates. Seventeen candidates were excluded from standing at this point: 11 for having links to illegal armed groups, five for having insufficient valid signatures to support their candidacies and one for holding a prohibited public office².

The JEMBS then produced provisional candidates' lists, which were available for candidates to view in each respective provincial office. Candidates were allowed the opportunity to respond to an ECC decision excluding them from running. The ECC reviewed these responses before the publication and display of the final candidates' list. All candidate lists went through numerous stages of quality control by the JEMBS and all were approved by the JEMB.

Ballot Production

The production of ballots for the elections was one of the most challenging aspects of the operation. The timeline for ballot production and distribution was extremely tight, and the large number of candidates meant that extensive quality-control mechanisms needed to be implemented. A total of 40 million ballots were produced across the 69 different elections for approximately 12.5 million potential voters. This surplus was necessary because the lack of a voter list meant that it was impossible to predict accurately where voters would vote. The JEMBS used figures from registration and from voter turnout from the 2004 election to determine the breakdown of ballots to be produced for each province.

After all withdrawals and disqualifications, 5,800 candidates remained, including 582 women. A ballot lottery was held in Kabul to determine the order of the candidates on the ballots. The lottery was held centrally to generate greater publicity for the elections, and because the security environment in a number of provinces would have prevented some candidates from observing the process. International stakeholders, political party representatives and observer groups were invited to the lottery, but the large number of candidates prevented the JEMB from inviting them, as well. Children from a Kabul school were invited to draw candidates' names.

Once the ballot order was determined, the JEMBS began formatting the ballots. Much time was spent on developing the best format for ballots with large numbers of candidates—nearly 400 in some races. A number of different formats were tested on different focus groups of voters—rural, urban, educated, illiterate, old, young, male and female—to determine which format best allowed voters to quickly and accurately identify their candidate on the ballot. These trials showed that the format that was easiest to use for such a long list of candidates was a 'newspaper' style. The ballots were one, two, three or seven pages, depending on the number of candidates running for office in that electoral race. Four electoral races had seven-page ballots—both the *Wolesi Jirga* and Provincial Council races in Kabul and the Provincial Council races in Herat and Nangarhar. On all ballots, the candidates were arranged in three columns on each page.

The ballot design was a multilayered process. Candidate data from the candidate database were generated in the order determined by the ballot lottery. The graphic design section ensured the correct layout, manipulated the photos to ensure maximum clarity and ensured that the security features (background design and micro-text) were in place. Extensive quality control was conducted of the candidate data, ensuring that candidates who had withdrawn or were excluded did not appear on the ballots.

² Seventeen candidates were excluded before the production of the final candidate lists and ballots; additional candidates were disqualified later in the process. Throughout the electoral process, a total of 54 candidates were excluded and thus removed from the lists by the ECC. Thirty-four of these were excluded because of links to armed groups, 12 because they failed to resign from public office, five for submitting an insufficient number of valid signatures and three for fraud and intimidation.

Once the layout and content of each of the 69 ballots were approved, the ballot designs were sent electronically to the printers. Because of the timeline, production was split between two different suppliers, which had the dual benefit of reducing the pressure on each supplier and ensuring that both had spare capacity. The contracts to produce the ballots were awarded to a British company, Smith & Ouzman, and an Austrian company, Austrian Media Group. Six JEMBS representatives were deployed to coordinate and control the quality of production at eight production facilities. A total of 1,200 tons of ballots were produced and delivered to Kabul.

To further facilitate voters' use of the ballot, the JEMBS designed sample ballots. The sample ballots were exact replicas of the real ballots, but printed on lower-quality paper in black and white. The black-and-white samples came in a colour wrap, the outside of which provided general voter information and the inside of which listed candidates according to their party affiliations. Each JEMB provincial office received province-specific sample ballots for both the *Wolesi Jirga* and the Provincial Council races. More than one million sample ballots were printed and distributed across the country in the weeks preceding the election.

Voter Registry Update

The Voter Registry Update (VRU) took place over four weeks in June and July. A comprehensive voter registration exercise was conducted prior to the 2004 presidential election, during which approximately 11 million Afghans registered to vote. However, some level of registration was necessary in 2005 to service those persons that did not have voter registration cards and those that did not have the correct information—in particular, province of residence—on their registration cards. The JEMB estimated that between one and two million Afghans had either returned to the country, had turned eighteen since the 2004 registration, did not have the opportunity or simply chose not to register prior to the presidential elections and thus would need to register for the 2005 elections.

As the 2005 VRU was only an update to the extensive voter registration conducted in 2003-2004, less geographic coverage was required. After extensive discussions with stakeholders, the JEMB decided that one registration centre of one male and one female station would be established in each district centre. A number of extra voter registration teams were allocated throughout the country based on population size, gaps in the registration coverage last year, disputed districts and complicated ethnic situations. Special facilities were offered to Kuchi communities living in remote areas. Following an agreement with Kuchi representatives, the same voter registration stations were used for male and female registrants. There were no mobile registration teams.

A comprehensive selection and security assessment of voter registration sites was completed by JEMBS provincial offices. One thousand district field coordinators (DFCs) were recruited to coordinate the VRU and to recruit and train registration staff. The DFCs were generally recruited from the area in which they would work. Over 6,000 registration staff were recruited and trained to work in registration teams of six. In most registration centres, men worked in male registration stations and women in female registration stations. A four-layer cascade method proved effective in training registration staff: regional trainers received training in Kabul and trained provincial trainers, who in turn trained the DFCs, who trained and supervised registration staff. Registration procedures were based on the 2003-2004 voter registration, with minimal changes to accommodate voters wishing to change information on their voter registration cards. Registration kits were prepared in Kabul and distributed via provincial offices to registration teams. For the most part, the JEMB was able to use the previous year's registration books, but a 2005 stamp was included in each kit to stamp each voter registration card issued.

An extensive and comprehensive public outreach campaign was undertaken prior to the VRU. Key messages emphasized that a voter registration card was necessary to vote and that the card must specify the province in which the voter could vote. The fact that holding multiple registration cards is an electoral offense was also emphasised. The JEMBS produced a large amount of public outreach material, including six posters (at least 350,000 of each poster were printed), nine leaflets, 3,000 registration flipcharts and handbooks, 500,000 pamphlets on the *Wolesi Jirga* and Provincial Council, 250,000 pamphlets on the elections and registration information specifically for civil servants, 500,000 registration stickers, 200,000 four-page booklets for Kuchis, 2,000 banners, 57 registration billboards and an end-of-registration brochure that every successful registrant received at the registration stations. In addition, almost 2,000 civic educators conducted face-to-face activities across the country.

The VRU opened on-schedule in the vast majority of registration centres across the country. On the first day of the period, 996 registration stations opened out of a total of 1,052 stations planned. The remaining stations (in Badakhshan, Takhar, Parwan, Baghlan, Parwan and Panjshir) were closed

primarily because of their inaccessibility due to security issues, floods and mudslides. Over the next two days, the number of unopened stations dropped as access was cleared, and by the third day, the number of unopened stations dropped to 25, most of which were closed due to security and staffing challenges. At the end of the first week, 21 stations remained unopened, and by the end of the second week, the number was down to ten. All facilities were adequately supplied with registration materials; in the few security incidents that involved the destruction or theft of materials, replacements were delivered by the following day.

By the end of the VRU, only three planned registration stations had never opened: the refusal of community elders to support the process left three female stations in Mizan, Daichopan and Arghandab districts of Zabul province unopened for the duration of the period.

Around 1.7 million people used the JEMB registration facilities, , of which approximately 1.5 million were new registrants. The percentage of registered voters in Afghanistan increased by approximately 13.9 percent during the VRU. Men accounted for 56 percent and women for 44 percent of new registrants, although it is accepted that some level of proxy registration occurred, particularly in the South and the Southeast. Kuchis made up nine percent of the total number of registrants. An average of 67 people were serviced each day in each registration station, and an average of 62,000 voter registration cards were issued or corrected each day.

There were only a small number of security incidents directly affecting the VRU, and the vast majority of these were geographically isolated.

The VRU was undoubtedly an operational success. Despite challenges related to the distribution of materials, the recruitment of staff and the security situation in some areas, the JEMBS managed to offer registration facilities to over 1.7 million Afghans, clearly giving many people who had not registered last year access to registration facilities. This was particularly evident in Nuristan province, which had limited registration in 2003-4 but had registration sites in every district in 2005. While there was some demand for more extensive geographic coverage, the JEMB was not subject to the level of political pressure that had been expected for more registration sites or for an extension of the registration period.

The lack of protection against multiple registration (explored further in the *Lessons Learned* section) was an inherent weakness of the 2005 registration. Without accurate personal documentation existing or a comparison of biometric data, there were no mechanisms to protect against multiple registration. The actual size of the registered electorate therefore cannot be accurately determined. The absence of a reliable voter registry and the resulting absence of an exact voter list for each polling station was one of the most significant weaknesses of the electoral process, seriously affecting the accuracy of logistical planning and the election administration's ability to protect against electoral fraud.

Election Day Preparations

Following registration, the JEMB and JEMBS moved into preparations for Election Day.

The operational concept for polling was built around 6,000 DFCs (5,000 in addition to the 1,000 already recruited for registration). The DFCs would assume responsibility for all aspects of the election operation in their area of responsibility, which contained one (or occasionally two or three) polling centres. The DFCs would recruit, train, supervise and pay polling staff as well as assume responsibility for polling centre management and the distribution and retrieval of election materials to and from their respective centres. In addition, the DFCs worked as count staff in the count centres. This system was deemed necessary to ensure that staff were paid but also, importantly, to ensure that all polling staff were recruited and trained within the limited timeframe and polling sites were ready for Election Day.

The JEMB provincial offices identified 6,260 polling centres, which were then confirmed by the DFCs. This marked an increase in the number used for the 2004 presidential elections and allowed a greater geographic spread and therefore better access. There were substantially more polling stations (26,247), which allowed the allocation of fewer voters to each polling station and thus more time for each voter to mark his or her ballot, which was deemed necessary due to the complexity, size and number of ballots. The JEMBS assessed registration figures from 2003-4 and 2005, voter turnout in each polling centre in 2004 and feedback from local leaders and *shuras*. Where possible, the JEMBS used last year's polling centres. More male than female polling stations were established to accommodate the different numbers of voters. However, the coverage and access were equal for both men and women.

The process of identifying Kuchi polling sites was based on the nationwide migratory patterns of the nomadic group. With the assistance of eight regional Kuchi liaison officers, the Kuchi registration data were analyzed, previous polling sites were reviewed and the movements of the different groups were mapped. This process led to the establishment of 1,616 Kuchi polling stations in 32 provinces.

New polling procedures were developed and approved to include improved inking techniques and to allow for the fact that each voter would cast two ballots. Because of the problem with indelible ink during the presidential elections, the JEMBS spent much time researching the best inking techniques and procuring the strongest-possible ink. In press conferences and public information material, the JEMBS worked hard to increase voter confidence in the ink.

The procedures for the transport of sensitive materials included the provision of transport for one national observer or, in their absence, one candidate agent to accompany sensitive materials between polling centres and count centres. The JEMB also changed the polling opening time from 7a.m. to 6a.m. to allow an additional hour of polling. New handover procedures were developed, ensuring that the ballot serial numbers were tracked to polling stations and that the serial numbers of the seals on each ballot box were recorded on the return forms. Metal seals were procured rather than the plastic seals that were used for the presidential elections and had been prone to breaking.

Through the DFCs, the JEMBS recruited around 160,000 polling station officials. Where possible, men worked in male polling stations and women in female stations. Following the cascade model of training, 130 international trainers and their national counterparts from all provinces were trained over the course of one week on polling procedures, polling centre management and counting procedures. These trainers then returned to the provinces to train the DFCs, who in turn trained all of the polling station officials. Trainers from JEMBS headquarters traveled to the provincial offices to monitor and assist the training of polling officials and counting staff. Trainers also prepared plans for the monitoring of polling on Election Day, and in each province were out in the field as much as security allowed, ensuring that the procedures were accurately applied in the polling stations. In this way, the JEMBS was able to respond quickly to procedural issues on Election Day through the rapid deployment of training staff to problematic stations.

Around 60,000 security personnel worked with the election administration and were provided basic guidelines for Election Day. The JEMBS liaised regularly with the Ministries of Defense and Interior to ensure that appropriate resources were in place for Election Day. Salaries for security personnel were distributed by the respective provincial and district police chiefs, who returned workers' JEMB-issued ID cards as proof that all received their stipends.

In the three months preceding the election, more than 1,800 civic educators conducted face-to-face educational activities in villages throughout Afghanistan; over nine million Afghans were personally reached through these activities. The civic educators used sample ballots to illustrate the polling steps and help identify where voters' preferred candidates were located on the ballots. Both traditional (radio, TV, newspapers and magazines) and non-traditional (mobile radio, cinema and theater) media were used to reach Afghans in rural and urban areas. In addition, the Witness Program, produced by the JEMBS and Radio Television Afghanistan, broadcast footage of the election process throughout the election period. Information about the electoral process was disseminated through close collaboration with partner NGOs across the country. The Small Grants Program, which strengthened civil society by funding small events that included civic education activities, funded 825 projects, reaching over 215,000 people throughout the country. Finally, a toll-free call-in voter information centre was established to answer Afghans' questions about the elections. The centre averaged almost 3,000 callers per day, with more than 110,000 total calls answered by over 25 trained Afghan operators.

Key public outreach messages emphasized that the vote was secret, that all votes are equal and that people must vote in person. Messages also made clear that it was only possible to vote in the province on the voter registration card, that there were two ballots for each voter (one *Wolesi Jirga* and one Provincial Council) and that there were separate voting facilities for men and women. Vehicles traversed Afghan city streets proclaiming these messages by loudspeaker.

The distribution of election materials represented a massive logistical challenge. A vast distribution plan with built-in surpluses and contingencies was developed and implemented successfully. In all, 1,200 tons of ballots, 5,000 training kits, 34,000 polling kits, 150,000 ballot boxes, 120,000 bottles of indelible ink, 150,000 voting screens and 1,000 tons of furniture for polling stations were distributed to every corner of Afghanistan. Election materials were distributed to every polling centre nationwide via 18 cargo planes, nine helicopters, 1,200 cargo-truck deliveries, 1,247 donkeys, 306 horses and 24

camels. Materials were delivered in a timely manner to every district of the country, despite the limited infrastructure and persisting security concerns.

The JEMB Media Centre was constructed in Kabul to provide a focal point for the release of election results and to provide media with a range of resources to assist them in reporting on the election. During the week immediately preceding the election, the JEMB held daily press conferences focusing on different aspects of the election.

By Election Day, the JEMBS had accredited almost 220,000 people, including 10,370 domestic observers, 781 international observers, 31,854 political party agents, 170,190 candidate agents and 1,280 media representatives³. Accreditation was processed at the provincial and national levels and put an immense strain on the JEMBS in the week immediately preceding the elections. The vast numbers of candidate agents accredited would later prove problematic during polling and counting.

Election Day

Election Day proceeded calmly and peacefully, as around 6.4 million Afghans voted across the country. Polling stations opened in every district across the country. Initial fears that the complex elections would overwhelm voters were dispelled as voters appeared able to tackle the large and complicated ballot papers.

The majority of polling centres opened on-time, although there were reports (accounting for about 0.5% of all stations) from every province of late openings. The polls closed at 4pm, but some polling centres remained open to process all voters waiting in the queues outside. Only seven polling centres did not open at all, due to a combination of security and staffing issues. Of these instances, six were in Gezab district of Daikundi province and one was in Shahid-e-Hassas district of Uruzgan province. This occurred because security forces refused to deploy there. All seven of these centres were in locations in which the security situation had remained tenuous for several months.

There were a number of polling centres in which polling was disrupted temporarily, mainly due to security issues. Small-arms fire occurred near a number of polling centres, mainly before the opening of polls, but did not affect the eventual ability of the JEMBS to implement orderly voting. In one reported incident in Kandahar province, polling staff temporarily closed a centre when a candidate was found intimidating voters on the premises. Other temporary closings were caused by Improvised Explosive Device (IED) attacks and rocket explosions in the near vicinity of the polling centres.

The voting materials used were of adequate quality and the application of procedures was efficient. Polling return forms were generally filled in accurately, marking an improvement over last year's election, in which 70 percent were left incomplete. Overall, the indelible ink was correctly applied and served as a useful deterrent against multiple voting. Polling officials understood the procedure of preparing the ink by inverting and shaking the ink bottle prior to use. There were, however, several credible reports of the ink being removed by corrosive chemical substances.

On average, it took 3-4 minutes to process a voter (even in the provinces with seven-page ballots), which was less time than was anticipated and meant that voters moved efficiently through the polling station and that there was little congestion outside polling centres. The voters were able to identify their candidates on the ballots quickly—it is likely that the production and distribution of over one million sample ballots helped familiarize voters with the ballots.

The full spectrum of irregularities seen in post-conflict election environments was certainly present, including the attempted use of fraudulent voter registration cards, double voting, proxy voting, misapplied procedures, intimidation and disruptions by agents. However, there was no indication of any systemic problems, and the irregularities did not significantly undermine the legitimacy of the results.

Irregularities involving voter registration cards included attempts to use multiple cards, out-of-country registration cards from last year's election, fraudulent cards and cards that were not the voter's own. There was widespread proxy voting in some provinces in the South and Southeast, in particular in Paktika and Paktia provinces. In several reports from the Southeast, polling staff noted that men often

³ These figures represent the totals before Election Day. In total, the JEMB accredited 242,503 persons. Of these, 10,607 were national observers, 781 international observers, 31,854 were political party agents, 197,981 candidate agents and 1,280 media representatives.

arrived at polling stations with the voter registration cards of all of the women in their family. Many were insistent that they be allowed to vote for these women despite explanations to the contrary from polling officials. There appears to have been a large level of collusion among community elders, candidates, agents and JEMBS DFCs and polling station staff to allow this to occur in traditional communities. Many of the areas in which this took place were not subject to either international or national observation, so it is difficult to estimate the full extent of the problem.

Reports of candidate agent malpractice were widespread. Several centres, particularly those in urban areas, reported an almost overwhelming number of observers and agents in the polling centres. There were many reports of agents violating their Code of Conduct, usually by either intimidating voters or campaigning in polling centres. The Afghan National Police were asked to assist polling staff when such issues arose.

Overall, turnout (51.5 percent of the total number of registration cards issued) was lower than it was for last year's presidential election. Turnout was higher in seven provinces (including Nuristan, where the turnout nearly doubled) and among the Kuchi population, possibly due to the higher number of polling stations established in all districts of the country. Across Afghanistan, there were 30 percent more polling stations established this year than last year. Voter turnout was lower, however, in all major urban areas throughout the country, including Kabul, and throughout the Southern region. A number of factors could have contributed to this, including the requirement for these elections that voters only vote in the province identified on their registration cards, the large number of candidates standing for office, reports of voter intimidation by candidates and their agents and persisting security issues.

The Count and Tabulation of Results

The counting of nearly 13 million ballots and the tabulation of results proved to be the greatest challenge for the JEMB and JEMBS.

The operational planning for the count had commenced months before, with the drafting of an operational concept and procedures and the recruitment of international count staff. After lengthy discussions with stakeholders, it was decided by the JEMB that the count would be conducted at the provincial level, rather than in polling stations. This ensured greater protection against electoral fraud and guarded the secrecy of the community vote, which thus protected against intimidation. In addition, it was felt that it would be impossible for polling staff to implement a complicated count in polling stations during the night.

Thirty-four international count staff were recruited to supervise the count in each province. Count staff worked closely with other provincial staff to ensure that each count centre was set up on-time and that sufficient staff were trained in count procedures. The count for each province took place in a count centre located in the provincial capital, with the exception of Nuristan and Kunar, where security and logistical challenges prevented the establishment of count centres and for which the ballots were counted in separate count centres in Jalalabad. The establishment of these enormous count facilities with adequate security protections proved to be challenging in a number of provinces, with many provinces using tents to supplement existing structures.

Over 10,000 staff (mainly DFCs, but also additional staff) were trained for the count. Data entry clerks were trained and deployed to the counting centres to set up the necessary IT infrastructure to keep track of the polling stations and ballot boxes and to upload result forms.

Large ballots and the need to mix ballots from different districts into batches to protect the secrecy of the community vote necessitated complicated and multilayered counting procedures. The count process was divided into three parts: the intake of materials, the reconciliation of the ballots from polling stations and the count itself. In addition, extensive and detailed audit and quarantine procedures were developed to identify instances of fraud in polling stations and to isolate these polling stations from the count. Audit teams looked for indications of fraud in polling stations during the intake and reconciliation and quarantined those polling stations in which fraud was suspected.

The intake of ballots began during the night of 18 September and continued through 19 September. On 20 September, the reconciliation and counting of ballots started across the country. Ballots from polling stations in different districts were mixed into batches, and count units were responsible for counting these batches. The results from each batch were noted on the batch results form (L02), which was posted inside and outside the count centres so that batch results could be noted by

candidate agents and observers. The results forms were scanned by data entry clerks and uploaded onto a server in Kabul, where they were data-entered and displayed on the JEMB website.

It is important to note that most provinces conducted a smooth and successful count operation. However, a number of factors complicated the process in some count centres. Intake took longer than expected—in some places either it was inadequately planned or the volume of material was underestimated. Some count staff deliberately slowed the count process, knowing that this would lead to an extension of the count. In large centres, it was necessary to change the count methodology so that a count unit was obligated to count one batch in a day.

The count centres were overwhelmed with candidates and their agents, who displayed little understanding of the process. Candidates, especially those losing, were quick to allege fraud, and although the vast majority of complaints were unsubstantiated, allegations were given credibility by the fact that there had been some level of fraud on Election Day and by isolated instances of fraud in the count centres⁴. The data transfer and the data tracking systems were also problematic, which led to extended delays in results being posted on the website.

Significant protests and demonstrations took place in Kunduz, Kandahar, Nangarhar and Kabul. The demonstrations were largely mounted by losing candidates protesting the JEMB's decisions to exclude fraudulent polling stations from the count. In Kunduz, Kandahar and Nangarhar, the count process was interrupted because of deteriorating security situations around the count centres. In Kabul, the protest concentrated around the ECC. High-level delegations of UNAMA and JEMB staff visited Kunduz and Nangarhar to negotiate with those protesting.

The widespread allegations of fraud necessitated a much longer period of investigation by the JEMBS into quarantined polling stations. A JEMB sub-committee met daily to review cases related to the quarantined polling stations prepared by the newly established central audit team. No polling station was excluded from the count without a JEMB decision. Extensive audit procedures had been developed, and investigative measures included careful material inspection and interviews with electoral staff and observers. However, the level of allegations of fraud and the number of polling stations that required investigation was higher than expected. In total, the JEMB excluded 703 polling stations and 74 ballot boxes (equivalent to just over 2.5% of polling stations) from the count because of clear indications of fraud. Most were excluded for ballot stuffing. Those provinces with large numbers of excluded stations were Kabul⁵, Pakitka, Nangarhar and Kandahar.

The JEMBS also implemented an audit on the batch results forms in the Data Centre in Kabul by comparing the number of ballots cast in each polling station to the total number of votes recorded in the batch. This allowed the identification of transcription and arithmetic errors and, in isolated cases, instances of fraud in the count centres. A large number of batches were re-checked after this audit to ensure the correct results.

Once the counting process was complete for each province, provisional results were declared by the JEMB and posted on the JEMB website. Once the provisional results for a province were announced, a five-day complaints period commenced during which the results could be challenged. Complaints regarding the conduct of the count were also accepted throughout the count process. Only after these complaints, and any other complaint that could affect the results, had been adjudicated by the ECC and any required remedial actions implemented did the JEMB certify the results as final. Final results for all provinces were certified by 12 November, and all winning candidates were awarded certificates of election by the JEMB.

Meshrano Jirga Elections

Following the certification of final results, the newly elected Provincial Councils convened to commence their work. One of their first tasks was to elect two representatives from among their members to the *Meshrano Jirga*. It was within the JEMB's mandate to administer these indirect elections, and thus the JEMBS provided logistical, technical and staffing support.

Election kits, laptops, printers (for printing ballots on-site) and Thuraya phones were prepared and distributed to every province. A computer program was created that could print the roll-call form and

⁴ The JEMBS fired a total of approximately 50 electoral staff during the entire process due to instances of electoral fraud. The names of these staff members are on record and they will not work with the election administration again.

⁵ It is important to note that 62 of the 80 Kabul exclusions were from one district, Paghman, in which indications of fraud were widespread.

the ballot on-site. The program allowed the electoral official to select which council members had nominated themselves by simply clicking on their names, which then appeared on the printed ballot. *Meshrano Jirga* election procedures were developed and trainings conducted for JEMB provincial staff at the eight regional centres.

At least one JEMBS national staff member and one international staff member was deployed to every province. Also present for the elections were a UNAMA representative; accredited media and observers representing organizations such as the Provincial Reconstruction Teams (PRT), the Afghan Independent Human Rights Commission (AIHRC) and the Foundation for Free and Fair Elections in Afghanistan (FEFA); and, in some cases, the respective provincial governors.

The Provincial Councils successfully convened in all 34 provinces of Afghanistan. Thirty of the 34 councils elected their representatives to the *Meshrano Jirga* as planned and on-schedule. Four provinces—Daikundi, Ghazni, Nimroz and Parwan—experienced internal complications in their elections that led to brief delays.

A total of six women were elected to the *Meshrano Jirga*. Two women were elected to permanent seats in Wardak and Sar-i-Pul provinces, and four women were elected to transitional seats in Kabul, Badghis, Farah and Nangarhar provinces.

The next-highest vote-winning candidates of the same gender replaced the two candidates elected to the *Meshrano Jirga* on the Provincial Councils. Following the *Meshrano Jirga* elections, the JEMBS informed these candidates that they should assume seats on the Provincial Councils, and provided them with a certificate of election.

Concluding Remarks

The completion of the *Meshrano Jirga* elections concluded the work of the JEMB in Afghanistan. Despite delays in the certification of results for the *Wolesi Jirga* and Provincial Councils, all components of the 2005 electoral process were completed by late November, within the timeline projected by the JEMB at the start of the electoral process. This set the stage for an inaugural session of the National Assembly in mid- to late-December. The JEMB will maintain its formal jurisdiction until 30 days after the convening of the National Assembly, at which point the Independent Electoral Commission of Afghanistan will assume jurisdiction.

Gender, Disability, Special Needs and Kuchi Issues

Gender

The Gender Section at JEMBS was created to address issues of women's participation in the electoral process—as candidates, voters, electoral officials and JEMBS staff. The section consisted of an international senior focal point and three national officers. Information, statistics and resources were provided by the Gender Section for departments within the JEMBS, the Advisory Group on Gender, the Ministry of Women's Affairs, local and international NGOs, media outlets and other groups working on gender-related topics. These groups engaged in weekly press briefings and various presentations and meetings in which the Gender Section represented the JEMBS and addressed and promoted issues of women's participation.

The primary output of the section was a gender page located on the JEMB website. The site proved to be a useful tool for promoting and sharing information and keeping those interested informed of the work taking place related to women's participation in the elections. The media, NGOs and the local community had access to field reports, FAQs, gender statistics, interviews and relevant articles.

The Gender Section also worked actively, in collaboration with the Public Outreach Department, to create and disseminate gender messages for radio and other media broadcasts, incorporating appropriate messages for both men and women in the elections.

Disabled

To help advance the role of people with disabilities, the JEMB imposed a quota in its hiring practices, such that five percent of all JEMBS staff members came from the population of nearly two million Afghans who are disabled. In addition, the Secretariat's nine liaison officers for the disabled, located in the eight regional centres and Kabul headquarters, made the promotion of the rights of the disabled population a visible priority. In doing so, the liaison officers ensured that priority was given to the recruitment and hiring of disabled people and that disabled voters were provided with adequate facilities to assist with any special needs during the registration and polling periods.

The fulfillment of this quota meant that the JEMBS was the leading employer of people with disabilities in Afghanistan. A total of 8,632 disabled persons worked for the JEMBS during the 2005 election process, and the liaison officers made an extra effort to target disabled women throughout the electoral process. Despite the efforts of the JEMBS, there were still obstacles facing disabled persons during registration and polling, including the inaccessibility of some polling stations; high illiteracy rates among the disabled community; and difficulties faced by civic educators while attempting to access the disabled community, particularly women.

In the future, it is recommended that the electoral commission maintain the five percent quota and encourage a similar policy in other agencies and organizations, increase educational programs targeting disabled people, ensure that polling stations are accessible and lobby for disabled issues in the new National Assembly.

Kuchis

The Kuchis, or nomadic people of Afghanistan, were allotted ten seats in the *Wolesi Jirga*. JEMBS activities targeting the Kuchi community were the responsibility of 33 Kuchi liaison officers located across the country (Bamyan and Nuristan provinces did not require a liaison, as there is no Kuchi constituency located in these areas). Additionally, 26 Kuchi district field coordinators were recruited to assist with civic education efforts and liaise with communities to identify any need for additional Kuchi polling centres.

During the candidate nomination period, 69 Kuchi candidates came forward; seven among them were female candidates. Following the death of one candidate and the exclusion of another, a total of 67 Kuchi candidates remained on the ballot. The highest number of Kuchi candidates (nine) came from Kabul province.

The JEMB decided against the organization of mobile registration teams for Kuchis, despite strong requests from the communities to repeat this same approach used last year. This was due mainly to potential security threats. Eighty-two special Kuchi registration stations and 1,618 polling stations were opened in 543 locations. These stations were entirely staffed by men due to problems finding literate females in the community. A total of 136,958 Kuchi voters registered; 128,195 of these were new registrants. Polling day saw the turnout of more than 200,000 Kuchi voters.

A total of 114 Kuchi civic educators were recruited throughout Afghanistan. Once again, it proved impossible to recruit qualified female educators, and Kuchi communities agreed to allow elders and *mullahs* to fill these positions instead of women. Kuchi civic educators distributed 400,000 special Kuchi leaflets and pamphlets all over the country. The Public Outreach Department recorded special electoral drama cassettes for Kuchis; 500 of the cassettes were distributed by provincial offices and the additional 1,970 cassettes were distributed by Kuchi representatives.

Lessons Learned and Recommendations

Electoral System—The Single Non-Transferable Vote

Much has already been written about the political shortcomings of the SNTV system, especially related to its effect on the development of political parties and the small number of votes able to command a single seat. In addition, the SNTV system impacted across the election operation, largely because of the number of candidates running for office.

The number of candidates principally impacted the size of the ballots. The JEMBS spent considerable time and resources testing a number of different ballot designs and is confident that the 'newspaper' design selected was the most user-friendly for Afghan voters. However, while the large ballots were less difficult to use than expected, they were expensive and difficult to produce. Ballot production required a number of layers of quality control, advanced computer program development for data generation, advanced graphic design layout and a very tight timeline for production and delivery from print houses in Europe. The ballots for the 2005 election cost over \$20 million. They also required significant international graphics and IT expertise in their development—expertise that is difficult to obtain on the Afghan labour market. The expertise and cost required for producing such ballots may not be sustainable for Afghanistan in the future.

The larger ballots required that new electoral materials—in particular ballot boxes and polling screens—be procured at substantial additional costs. This in turn impacted the weight and volume of electoral materials to be distributed to and retrieved from polling stations (the total weight of this year's materials was estimated to be around ten times that of the material for the presidential election in 2004). The distribution was dependent on Afghanistan's limited infrastructure and required not only detailed planning and contingency planning but also a measure of good fortune with the weather, road conditions and security situation.

Much more time was also required to explain the use of the larger ballots to the electorate. The large ballot complicated the training program, with a disproportionate amount of time spent introducing the ballots to the polling staff.

The large number of candidates led to a large number of candidate agents. Without a party-based electoral system, the JEMB had little choice but to allow each candidate to accredit an unlimited number of agents so that a candidate's agents could observe the process in each polling station in the constituency. The resulting number of agents proved extremely problematic on Election Day, with widespread reports of intimidation of voters and polling staff, aggressive behaviour by candidate agents in the polling stations and occasional reports of disorder outside polling centres.

The large ballots also had a considerable impact on the counting operation, making the counting process complicated and time consuming. This complexity in turn led to a lack of understanding on the part of candidates, agents and observers, which manifested itself in complaints that the proper procedures were not being followed and the results were being manipulated.

Last, and perhaps most significant, over 5,000 candidates lost the elections, many of whom were quick to blame their losses on electoral fraud. While the level of fraud was undoubtedly lower than claimed by losing candidates, their complaints were given credibility by the fact that some level of fraud had occurred. The JEMB had not spent enough time preparing external stakeholders for the fact that there would be many complaints from losing candidates, but that most would be spurious or impossible to substantiate. The result was that a number of candidates were able to capture much sympathy while presenting little or no evidence to substantiate their claims.

The JEMB recognizes that an open-list party-based system would have led to similar challenges related to the number of candidates and the ballot size. The JEMB also recognizes that the state of development of political parties in Afghanistan at present would have made implementation of an election under a party-based electoral system difficult. The recommendations below are made in the interest of ensuring the sustainability of future Afghan electoral processes.

Recommendations

- Even disregarding the justified political concerns about the SNTV electoral system, for operational reasons alone it is recommended that the suitability of the SNTV system be reconsidered for future Afghan elections.
- The size of future ballots for Afghan elections should be reduced, if not by a different electoral system then by increased barriers to candidate entry.

- Domestic capacity to print ballots for future Afghan elections needs to be pursued, as it is unlikely that the international production of ballots is sustainable on Afghan government budgets.
- Civic education needs to convey the message that elections inevitably lead to candidates who win seats and those who do not. It is important for the development of a culture of democracy in Afghanistan that those candidates who are not elected are able to accept the results.

The Electoral Timeline

The constrained timeframe of these elections affected all aspects of the election operation. All JEMBS departments described the timeline as a limiting factor in their activities, and were constantly aware that delays in one aspect of the operation were likely to result in the postponement of the elections. With winter encroaching, this could have pushed Election Day back into 2006.

Activities across the election operation would have benefited from more time. There was insufficient time for public outreach in general, but particularly before candidate nomination, with the result that civic education activities concentrated for the most part on the process rather than the broader context of candidacy and the roles of elected representatives. While the recruitment of district field coordinators and polling staff started earlier than it did for the presidential election, additional time would have allowed for further checks against nepotism and the recruitment of higher-quality staff. The JEMBS had little time to rehearse key parts of the operation such as testing registration, polling and counting procedures; testing materials for appropriateness or even endurance; and adequately testing data transfer software for tabulating results. The JEMBS's ability to focus on building the capacity of Afghan JEMB Commissioners and Secretariat staff was seriously reduced by time limitations. The procurement of election materials was extremely tight, and even though UNOPS was consistently prepared to waive tenders, this affected the procurement options available.

Most importantly, the constrained timeline prevented detailed electoral planning. The election operation was based on a 20-page operational concept and departmental operational plans, but inevitably much of the operation was driven by electoral management making decisions on a day-to-day basis. This method was detrimental to some aspects of the operation (in particular the count and anti-fraud mechanisms), and relied excessively on the technical skill and sound judgment of the electoral management. Electoral staff worked inordinately long hours to deliver the election on-time, and this inevitably impaired post-election capacity. The international community should be aware that implementing complicated post-conflict elections in abbreviated timelines is not only expensive, but also fraught with risks.

Recommendations

- The dates for future Afghan elections should be determined well in advance, at least nine months beforehand.
- Key election staff required to properly plan the election timeline and operations in support of the timeline should be recruited well in advance.

An Accurate Voter Registry

The lack of an accurate voter registry was perhaps the most significant shortcoming of this year's elections. The necessity for a detailed and accurate voter registry, with a voter list allocating voters to polling stations, cannot be underestimated. The voter registry developed during the 2004 presidential election and updated for the 2005 National Assembly and Provincial Council elections was not adequate to allow the allocation of voters to polling locations. Such an allocation would have entailed a comprehensive and costly re-registration of the entire electorate, and would have made the 2005 election even more challenging to deliver.

Without an allocation of voters to polling stations, and therefore the ability to determine how many voters could be expected at each location, accurate logistical planning was extremely difficult. Aside from the costly and politically problematic surplus in ballots, this also necessitated a surplus of all other electoral material.

More importantly, the absence of a voter list meant that the chief mechanism to protect against multiple voting was the indelible ink, the weaknesses of which are discussed below. A voter list would have added an effective mechanism to protect against both multiple and proxy voting and would have reduced both types of irregularities.

Recommendations

- A new or substantially modified voter registry should be developed that is able to identify duplicate registrants and allocate voters to polling locations.
- The current cooperation between the IEC and the Ministry of Interior should continue, and the proposed pilot project for a combined civil and voter registry should be implemented in 2006.
- International donors should fully support the development of this joint registry through the pilot project and the subsequent full registration project.

Organisational Management

The 2005 elections saw the creation of a more streamlined organisational structure, with all headquarters departments reporting on a daily basis to a management office, which consisted of a Chief of Operations and a Chief of Staff. This structure worked well. Further, the chain of command and management in the field were consolidated, with a single staff member clearly in charge of all operations in each office. The cohesion of the operation was improved by these clear management structures.

The use of daily instructions developed as the operation progressed into a strong communication tool for all field staff, ensuring that all aspects of the election operation were properly coordinated and that key staff were aware of the instructions being sent to the field.

The 2005 elections saw strong reporting of the progress in the field through the Field Operations Department. This reporting was essential for properly informing the JEMB of the status of electoral preparations and for briefings with the press, stakeholders and donors.

Recommendations

- The Field Operations Department should continue to coordinate all activities in the field through the daily instructions to ensure that an integrated approach to electoral preparations continues in the future.
- Regular and comprehensive reports should continue to be required from each of the IEC offices in the future.

Recruitment of Senior National Field Staff

As the JEMB hands over its responsibilities to the IEC and internationals hand over responsibility for the conduct of elections to their Afghan counterparts, it is clear that the Afghan provincial election officers will, in the future, be managing electoral processes that are very politically charged. The 2005 elections have shown that Afghan staff were subject to incredible pressures from their communities to influence all aspects of the electoral process, from candidate nomination to registration, polling and counting.

These key election managers will have considerable influence over how elections are conducted in their respective provinces, and there must be concern about the pressures on them in the future. One of the great values of the national provincial election officers during the 2005 elections was the knowledge that they had about their provinces and the contacts they had within their communities. However, this also made them susceptible to incredible pressure from these communities and potentially subject to direct and indirect intimidation.

In other provincial senior administrative positions in Afghanistan (e.g., the governor and the chief of police), the person cannot be from the same province in which he or she serves. There are many drawbacks to this for provincial election officers, but given the pressure that these staff came under in this election, a similar solution should be considered.

The JEMBS recruited around 6,000 district field coordinators from the communities in which they were to operate as the field-level implementers of the election operation. Rather than having different staff members recruiting, training, supervising and paying polling staff, the JEMBS placed responsibility for all these aspects of the operation on each district field coordinator. This was effective, allowing working relationships to develop between the district field coordinators and polling staff, and ensured that polling staff were paid—indeed, the district field coordinators' local knowledge was critical for the project's implementation in this year's abbreviated timeframe. However, the fact that they were recruited from the area in which they worked inevitably subjected them, in some areas, to pressure from community interests.

Recommendations

- Consideration should be given to the placement of provincial election officers and district field coordinators in provinces and districts from which they do not originate.
- Once recruited, district field coordinators should be responsible for all election activities in their area of responsibility.

External Relations

Regular meetings with international and national stakeholders were found to be a good practice. During these meetings, the JEMBS provided regular electoral updates and gave explanations of key policy decisions. In addition, key electoral documents were distributed by e-mail to stakeholders. All JEMB decisions and regulations were posted immediately on the JEMB website to allow stakeholders easy access.

Recommendations

- Regular meetings should be held with international and national stakeholders and with political parties and candidates in order to keep these groups properly informed of developments in the conduct of the elections.
- These external groups should be involved at an early stage of electoral planning so that they can be consulted on the early decisions that shape the conduct of elections.

Observers and Agents

Over 240,000 members of the media, observers and political party and candidate agents were accredited to observe the 2005 elections. This was a success in many ways, ensuring that polling and counting activities were observed in a large number of locations and adding to the transparency of the electoral process. The individual code of conduct for all of these observers of the process was an important development, ensuring that all were aware of their rights and obligations as observers of the electoral process.

The number of agents and observers was not without its difficulties, and it was clear that in some cases, candidate agents in particular were incapable of resisting the temptation to interfere—usually through intimidation but occasionally by direct intervention—in the polling and counting process. Training of observers and agents was conducted by the National Democratic Institute (NDI), but this training was not compulsory and many observers and agents did not fully understand the limits of their roles.

The number of agents in the count centres also proved problematic. The JEMB employed a rotation system, requiring agents to rotate every two hours to allow new agents into the count centres to observe. Many agents were not able to understand the counting procedures, especially related to the batch results forms (L02), which resulted in a large number of complaints and distrust in the count process (admittedly exacerbated by some occurrences of fraud). The JEMB recognises that it would have been preferable to reduce the number of agents accredited to observe the count to two for each candidate, and that separate accreditation should be used for entry into the count centre than that required for entry into the polling stations. This would allow for fewer observers in the count centres and for candidate agents and observers to spend entire days in the count centres to enable better understanding of the process.

Recommendations

- Media, observer and agent accreditation should be conducted again from the provincial offices to facilitate easy access.
- A code of conduct for observation should be employed in the future.
- Consideration should be given to the provision of compulsory training for all media, observers and agents.
- Candidates should be held directly responsible for any misconduct on the part of their agents.
- Separate accreditation should be required to observe the counting process, and the number of agents per candidate should be limited.
- Training for agents and observers attending the counting process should be compulsory.

Candidate Nomination

It was found to be a good practice to deploy data entry clerks to capture data from all candidates at the JEMB provincial offices. In addition, the fact that all candidates signed off on a printed receipt that contained all information that was to appear on the ballot—name, photo and symbol—protected against later complaints regarding candidate information on the ballot.

The means by which symbols were allocated, with candidates drawing three symbols and selecting one of the three (a mixture of chance and choice), proved effective. Candidates' use of symbols was perhaps one of the most memorable aspects of the operation, with candidates across the country enthusiastically using their symbols during their electoral campaign. The use of symbols undoubtedly helped voters identify their candidate on the ballot and should remain a feature of Afghan elections.

In some provinces, regular meetings were set up with candidates to keep them fully informed on all developments concerning the election. This was found to be a good practice in those provinces in which it was implemented.

Recommendations

- The registration of candidates should be conducted from provincial offices in the future.
- Candidates' nomination data should be collected electronically at the point of nomination and signed by the candidate as proof of accuracy.
- Symbols should continue to be used on the ballot paper for future elections.
- The electoral administration should establish a means of providing information on an ongoing basis to candidates, either through regular provincial meetings or on predetermined dates.

Campaigning

The campaign activities that were possible for candidates during and outside of the official campaign period were regulated by the JEMB. In particular, access to television, radio and newspaper advertisements was limited in order to provide more-equal access to these campaign media irrespective of the campaign finances available. A free system of television and radio campaign advertisements was created and managed by the electoral Media Commission, so that all candidates had the possibility of recording and broadcasting an advertisement of a set duration, and no other advertising on these media was allowed. This system worked very effectively and did much to ensure a level of equal access to media for candidates.

The JEMB also set limits on the amount of money that candidates could spend during their electoral campaigns, and required them to keep a record of all campaign incomes and expenditures. With nearly 6,000 candidates, it was not possible to receive and review all of these expenditure records, and there were indications that many candidates did exceed their expenditure limits.

While campaign posters were seen in large numbers in many provinces, the majority of candidates did not engage in further campaign activities or define a political platform on which they wished to be elected.

Recommendations

- The system of sponsored television and radio advertisements should be continued in future elections.
- More should be done in future elections to monitor the campaign expenditures of candidates, possibly including a system of random checking of recorded campaign incomes and expenditures for candidates.
- Civic education should be conducted to inform political parties and potential future candidates about campaign planning and strategy.

Polling

A number of measures were taken to rectify the problems witnessed in last year's election related to the use of indelible ink. The JEMBS conducted extensive tests on different ink samples to identify the most effective ink and procured an ink with the highest-possible silver nitrate content (silver nitrate is the substance that reacts with skin to stain a finger). The application process was stressed heavily in

polling station staff training and in press conferences prior to Election Day. This effort to build the public's confidence helped to minimize claims that the ink could be removed from voters' fingers.

However, there are some corrosive substances that will remove even the strongest ink, and there were a very small number of verifiable cases in which voters were able to remove the ink.

Recommendations

- Stakeholders should recognise the significant risks of using indelible ink as the primary mechanism to protect against fraud and ensure that there are further mechanisms in future elections (for example, a quality voter registry).

Counting

To protect the secrecy of the community vote, it was decided to count ballots at provincial counting centres for the 2005 elections. This also ensured the quality, transparency and security of the operation and offered greater protection against fraud. There are, however, benefits to counting ballots at the polling centre level, especially in terms of the time that it takes to complete the count (which does affect the perception of the process's credibility). Such a change at this stage of Afghanistan's democratic development would likely be premature.

During the count process, it is important to provide an incentive to complete the process in as quick a manner as possible while still ensuring accuracy. This incentive was best achieved by planning the counting operation so that each counting team received a batch of work at the start of the day and had to finish this work before they left for the day. This approach also made the process more understandable for observers and agents, who saw one batch of work completed by each counting team during the course of the day.

The recruitment of international staff to serve as dedicated count managers was crucial, and in many places where the counting operation was large, there was a significant demand for more internationals to help manage the counting process. To some extent, the JEMBS underestimated the scale of the counting operation, in particular the volume of material, the number of agents and the allegations of fraud in the count centres. Future post-conflict election administrations should seek to deploy appropriate levels of international staffing and observation in the count centres.

Recommendations

- Counting should continue to be conducted at the provincial level until such time when the level of intimidation experienced in some polling locations is reduced or appropriate monitoring mechanisms are in place.
- Counting teams should be given concrete batches of work that they have to complete each day.
- For future internationally led post-conflict elections, international staff should be recruited to manage the counting process in sufficient numbers.
- Additional measures should be taken for future Afghan elections to ensure the transparency of the counting process for agents and observers by ensuring that they see and fully understand all aspects of the counting process, thus generating trust in the process.

Quarantine and Audit Procedures

The JEMB approved comprehensive quarantine and audit procedures for use in the count centres and Data Entry Centre. However, these were not made public to stakeholders early enough, which led to a lack of transparency and suspicion on the part of candidates as polling stations were quarantined.

While the procedures themselves were comprehensive, they were not adequately implemented by JEMBS staff in some provinces in the early stages of the count. This led to a degree of inconsistency across different count centres on the inclusion of polling stations in the count.

A strong stance was taken by the JEMB in excluding from the count polling stations where it considered fraud had taken place. This sent a message to those conducting fraud that where it was discovered (and it certainly was not discovered in all cases), it would be dealt with in a robust manner.

Recommendations

- Quarantine and audit procedures should be made available in advance of the counting process to ensure full understanding on the part of all stakeholders.

- Counting staff should be fully trained on quarantine and audit procedures to ensure consistency in the implementation of these procedures.
- Batch audits (comparing the votes on the results sheets with the ballots cast in each polling station in that batch) should be conducted in the provincial counting centre, rather than in IEC headquarters.
- The election administration should, in future elections, be rigorous in excluding all polling stations in which ballot boxes display evidence of irregularities, erring on the side of exclusion, in order to continue the strong message that fraud does not pay.

Result Tabulation

While displaying partial results on the JEMB website provided additional transparency, delays in data transfer and the fact that candidates' votes occasionally appeared to decrease due to the audit procedures led to a perception that the election administration was manipulating the results.

Recommendations

- If the IEC is to display partial results throughout the counting process, it should ensure that the data transfer methodology is perfected and thoroughly tested before the election, likely requiring additional resources in IT.

Capacity Building and Retention of Staff

Despite the limited timeframe, the JEMBS implemented an effective capacity building program, which included a series of courses coinciding with the phases of the election operation and study trips to visit election administrations in other democracies. While it is important to maintain a level of international expertise, the current staff within the JEMB and JEMBS have gained important knowledge and experience in election administration. It is imperative that these staff be retained with the IEC, but this may be difficult if the pay rates of government civil servants are used for the IEC and IECS.

Recommendations

- Once the IEC is funded from the national budget, it will be necessary to supplement the pay rates of electoral staff in order to keep their essential knowledge and experience within the IEC and IECS.

Summary of Recommendations from 2004

In advance of the 2004 presidential elections in Afghanistan, several international and domestic observation missions and organizations were on hand to observe the electoral process. To build upon last year's successes and address any shortcomings, these recommendations were examined by the JEMB and JEMBS and implemented in a number of ways. Below is a summary of the major recommendations from last year and the JEMB's responses to them:

JEMB/IEC

Following recommendations that the JEMB structure be reformed and defined by legal framework, a decree signed this year by the president defined the structure of the JEMB, with a single chain of command within the JEMB and with all of the agencies working with the Secretariat. The JEMB and JEMBS shared the same compound so that the JEMBS could provide all necessary support to the JEMB.

Legal Issues

Significant changes that were required for the parliamentary elections were made to the Electoral Law by presidential decrees. Further changes await the convening of the parliament.

Delineation of Constituency Boundaries

The delineation of electoral district boundaries still remains to be resolved. As the district council elections were not to be held in 2005, this matter will be considered by the parliament.

Provincial Election Commissions

In response to the recommendation that electoral oversight mechanisms be established at the provincial level, Provincial Election Commissions (PECs) were established in each province with input from UNAMA, the government and civil society. The PECs were the first-instance adjudicators of complaints and challenges, and also represented the JEMB and advised the JEMBS on the conduct of the elections in each respective province. The PECs were also authorized to participate in the initial review of candidate nomination applications.

Complaints and Vetting

Following concerns about the lack of means to process and address complaints regarding the electoral process, the Election Complaints Commission (ECC) was established as an independent body through the amended Electoral Law. The ECC was composed of five commissioners—all with legal backgrounds—three of whom were internationals and two of whom Afghans. The complaints mechanism was overhauled for the 2005 elections and properly defined in the Electoral Law. The ECC had a team of investigators to examine all complaints and challenges.

Public Outreach

The JEMBS was aware from the outset of the significant task presented by civic education. Many of the activities of the Public Outreach Department of the JEMBS were by necessity focused on communicating the details of how, when and where to vote. Even so, the public outreach program always strove to incorporate civic education as much as possible in its materials. A comprehensive campaign was under development from an early stage in the process and the magnitude of the challenges was clearly recognised. Improvements could have been made to aspects of a campaign that slowed over the winter months. Nevertheless, timelines and distribution plans for a highly complex and comprehensive election materials production program were in place throughout the operation, with all major consultations and decisions undertaken in a timely manner.

Particular efforts were made this year to reach out to the women and to the Kuchi constituencies. The JEMBS established a gender section that focused exclusively on increasing and facilitating the participation of women in the electoral process, and a number of Kuchi field coordinators were appointed in all provinces.

Training

Recommendations from last year pointed to the need for well-qualified trainers to train all staff. The JEMBS developed a detailed and comprehensive training program for this year's elections, but the logistics involved in training 150,000 polling staff meant that a cascade system of training was unavoidable. Every effort was made to ensure that the cascade system operated effectively and was properly monitored by qualified trainers.

Kuchi Issues

To better address the specific needs of the Kuchi population, Kuchi field coordinators were appointed in all provinces with Kuchi populations. Voter registration and polling centres were established in close consultation with the Kuchi community to ensure that the best possible coverage was achieved with the resources available.

Political Party Issues

The JEMBS did not undertake training for candidate representatives directly, as this was beyond its mandate. However, the National Democratic Institute (NDI) conducted extensive training for the candidates and parties, and the JEMBS, through the fortnightly Political Parties Consultative Forum, made strong efforts to consult and inform political parties about the electoral process. There were also briefings and information sessions held with candidates in the provinces, and the accreditation process for all party and candidate agents was administered at the provincial level.

Media and Media Monitoring

The 2004 Media Monitoring Commission possessed only advisory authority under the 2004 Electoral Law. This year, the Media Commission was established with significantly more authority, including monitoring fair reporting, deciding complaints and requiring media members to adhere to a code of conduct.

Observers and Accreditation

In response to recommendations that observers be given more rights to monitor the electoral process and ensure its transparency, JEMB regulations established the rights of observers to observe such electoral processes as voter registration, polling and counting. The JEMBS Observer Facilitation Section was established to facilitate and encourage accreditation and to assist observers in carrying out their responsibilities. In addition, the JEMB followed recommendations from observer reports in allowing accreditation at the provincial level.

Voter Registration

There is no doubt that a voter registry is needed that is thorough and accurate, protects the right of citizens of legal age to register and prevents unlawful or fraudulent registration. However, this year's election timeline and the quality of the existing voter register did not allow for the development of voters' lists allocating voters to polling locations. A voter registry update allowed new voters to register and for voters from last year to ensure that the information on their existing cards was accurate.

Polling

Significant problems were encountered last year regarding the use of indelible ink to prevent multiple voting. The JEMB proactively addressed this issue and established an ink working group to assess the most effective ink and the most effective means of application. The group's recommendations were adopted by the JEMB: a much stronger ink was used in this year's elections, and the method of application and the training of polling officials were improved and standardized. The proper application of ink, and leaving time for the ink to dry completely, were features of the training provided to polling staff.

Counting

Last year, counting took place at eight regional count centres, and concerns were raised over the transparency of the process. Although the need to protect the secrecy of the community vote did not allow counting to take place at the polling stations or in the districts this year, count centres were established in all provincial capitals where adequate security could be ensured. The entire process was observed, including the transportation of ballots from polling stations to count centres, storage of ballots, the count itself and results tabulation. Arrangements were in place to allow observers and candidate agents to remain overnight at the count centres.