



EUROPEAN COMMISSION

Service for Foreign Policy Instruments

Election Observation and EU Visitors Programme (FPI5)
Deputy Head of Unit

Brussels, 17 July 2014

Terms of Reference

Election Assessment Team (EU EAT), Afghan Presidential Elections

Long Term Observers (LTOs)

for the observation of the audit of results, July-September 2014

The objective of these terms of reference is to allow the selection of a pool of Long Term Observers to reinforce the capacity of the European Union Election Assessment Team to Afghanistan for the observation of the complete audit of results of Presidential election run-off.

I. BACKGROUND

The European Union Election Assessment Team (EU EAT) has been present in Afghanistan since March 15, following an invitation from the Afghan Government and from the Independent Election Commission. The Mission is led by Chief Observer, Thijs Berman, and Member of the European Parliament (Netherlands). The EU EAT is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation signed at the United Nations in October 2005.

In total, the EU EAT deployed 15 experts from 12 EU Member States, to assess the key stages of the electoral process against Afghan laws as well as the international obligations and commitments for democratic elections. The EU EAT in particular focused its attention on the legal framework, the performance of election authorities, the campaign in particular in the media and will closely follow the procedures for aggregating results and the handling of complaints. The EU EAT remains in country to observe post-election developments and will publish a final report, containing detailed recommendations, within two months of the conclusion of the electoral process.

An electoral impasse followed allegations of frauds and the announcement, on 7 July, of preliminary results of Presidential election run-off. An agreement was reached on 13 July by the two Presidential candidates, Dr. Abdullah Abdullah and Dr. Ashraf Ghani.

The agreement – facilitated by the UN Secretary-General's Special Representative for Afghanistan, Ján Kubiš, and the US Secretary of State, John Kerry – foresees a complete audit of the results of Afghanistan's Presidential election run-off. Both candidates committed to participating and abiding by the result of this comprehensive audit.

This will be a full audit of 100 per cent of ballots (roughly eight million ballots, in 23,000 ballot boxes). The International Security Assistance Force (ISAF) has transported all ballot boxes to Kabul and secured them with Afghan security forces. Auditing of boxes is currently taking place, on a rolling basis and the auditing process is being internationally supervised in a manner proposed by the UN, in consultation with both candidates, in the full presence of candidate agents, the media, UN advisors, and domestic and international observers, including the EU EAT and other international partners, such as the National Democratic Institute and the OSCE Office for Democratic Institutions and Human Rights.

The 6 members of the EU EAT currently in Afghanistan are providing training and coordination to some 130 observers recruited locally from the international diplomatic community and the European Union Police Mission in Afghanistan (EUPOL).

II. MISSION MANDATE

Following the decision of the High Representative/Vice President of the European Commission, the EU will contribute to the observation of the audit of the results of 14 June 2014 Afghan Presidential elections run-off by reinforcing the capacity of the EU EAT currently deployed in Afghanistan and by sending to the country a number of Long Term.

The Long Term Observers (some of them will have coordination functions) will observe the audit process in the premises of the Independent Electoral Commission in Kabul in order to ensure that it is conducted in accordance with best international standards, utilizing an IEC checklist, supplemented by recommendations of the United Nations Assistance Mission in Afghanistan (UNAMA).

III. METHODOLOGY

Some 100 teams composed of IEC staff are auditing the election results. The UN-recommended audit procedures which will represent the basis of the international observation of the process are the following:

1. The audits will be conducted by the IEC in the full presence of international and domestic observers, candidate agents, the media and UN advisors. Observers and candidate agents may provide comments and ask questions of the IEC audit team based on the audit checklist. Any disputes or questions not responded to in a satisfactory manner will be referred to the UN for advice, including on international best practices, or for resolution through its good offices. If the issue is not resolved, it will be recorded in the audit sheet for further adjudication by the Commission in its deliberations.
2. The IEC will provide access to the UN advisors, agents of the two campaigns, international and domestic observers, and the media to the entirety of the audit process. As per its legal obligations, the IEC will further open its Commission meetings to review and decide the findings of the audits to candidate agents, observers and the media. The UN will provide advice to the IEC Board of Commissioners throughout this process.
3. The current IEC audit checklist will be used as the basis to conduct the audit. This checklist will be enhanced with the following UN recommendations, aligned with international best practices:
 - Ballots which are obviously similarly marked;
 - Evidence of tampering with the results sheet and coherence with the number of ballots in the box;
 - Comparison of the results sheet copy with that processed in the national tally centre;
 - Review of information on the polling station journal and list of voters; and
 - Ballot boxes will receive particular attention from international and domestic observers and agents when they register results that, according to best international practices, require special scrutiny (e.g., when there are significant differences between first and second round tallies).
4. The audit will entail 100 per cent of ballots (approximately eight million ballots in 23,000 ballot boxes).
5. The audit of the ballot boxes will take place in Kabul. Ballot boxes from the provinces will be transported by ISAF with the support of the UN.”

IV. EXPERTS' PROFILES AND OUTPUT EXPECTED FROM THE EXPERTS

The European Commission wishes to begin the procedures for the recruitment of the following experts, to be available from 28 July 2014 to 15 September 2014:

- 100 Long Term Observers, for the observation of the auditing process. A pair of LTO will be responsible for the observation of two auditing teams. Due to the limited number of available LTOs, the observation will be conducted individually, but in close consultation between the two LTOs, in order to ensure a transparent and credible observation.

Out of the 100 LTOs, 5 will be in charge of the coordination of LTOs and facilitate a proper rotation of staff on the ground, as necessary. The LTOs with coordination functions should ensure a smooth liaison between the EU EAT and the LTOs, supervise the work of LTOs and organise daily debriefings with them.

V. ALLOWANCES AND INDICATIVE TIMEFRAME

Election Date	14 June 2014 (run-off)
Country	Afghanistan
Type	Presidential Elections observation of the audit of results
Deadline for submission of CVs from Member State	23 July 2014

LTOs

100 (one hundred) Long Term Observers	
Each Member State is invited to submit the following number LTOs:	Up to 5
Indicative Deployment Date of LTO Teams	28 July – 15 September 2014
HEAT training and pre-deployment awareness training (if applicable)	TBC
Living allowance in Afghanistan*	215 € per day
Compensatory allowance	2000 € per month
Risk Allowance	39 € per day

* *In the event that accommodation is provided, LTOs will receive 65% of the maximum per diem to cover ancillary and subsistence expenses (i.e. meals).*

GUIDELINES - EU POLICY ON ELECTORAL OBSERVATION

"..."

"Code of Conduct

The following guidelines will apply to nationals of any country participating in EU observation missions decided by the EU unless specifically agreed otherwise. The guidelines will not apply to EU nationals participating in e.g. OSCE or UN missions, in which case those organisation's own codes will apply.

All official EU observers should adhere to the following guidelines:

- Respect the laws of the land. Observers enjoy no special immunities as an international observer, unless the host country so provides;
- Observers will participate in all pre-election briefings with their supervising officers;
- Observers will be subject to the direction and management of the observer team leadership, carrying out their written terms of reference and covering the geographical schedules specified by team leaders;
- Observers should be aware of the presence of other electoral monitoring teams, and liaise with them under the direction of the leader of the EU observer team;
- Observers will carry prescribed identification issued by the host government or election commission, and will identify themselves to any interested authority upon request;
- Observers shall maintain strict impartiality in the conduct of their duties, and shall at no time express any bias or preference in relation to national authorities, parties, candidates, or with reference to any issues in contention in the election process;
- Observers will not display or wear any partisan symbols, colours or banners;
- Observers will undertake their duties in an unobtrusive manner, and will not disrupt or interfere with the election process, polling day procedures, or the vote count,
- Observers may bring irregularities to the attention of the election officials, but will not give instructions or countermand decisions of the election officials;
- Observers will base all conclusions on well documented, factual, and verifiable evidence, and will keep a record of the polling stations and other relevant places that they visit;
- Observers will refrain from making any personal or premature comments about their observations to the media or any other interested persons, but should provide, through a designated liaison officer or spokesperson, general information about the nature of their activities as observers;
- Observers will participate in post election debriefings with their supervising officers and will contribute fully towards appropriate EU reports on the elections monitored;
- Observers must comply with all national laws and regulations. Where these limit freedom of assembly or movement about the country, they must note where such rules prevent them from carrying out their duties;
- At all times during the mission, including during private time away from work, each election observer should behave blamelessly, exercise sound judgement, and observe the highest level of personal discretion."

"..."