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# **EVALUATION OF USAID/IRAQ'S ASSISTANCE TO THE INDEPENDENT HIGH ELECTORAL COMMISSION**

## **IFES Electoral Support and Out of Country Voting Programs**

July 5, 2010

This publication was produced for review by the United States Agency for International Development. It was prepared by The QED Group, LLC, under contract number 267-M-00-09-00513-00.

# EVALUATION OF USAID/IRAQ'S ASSISTANCE TO THE INDEPENDENT HIGH ELECTORAL COMMISSION



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# FOREWORD

The evaluation team would like to thank the USAID/Iraq Mission for their support in the course of this assessment. Particular thanks are owed to Deputy Director Alexious Butler of the Democracy and Governance Office, whose constant availability and readiness to assist were instrumental in the accomplishment of this evaluation. Thanks also to Mohit Dayal and Karis Graham of USAID/Washington for their support in organizing meetings and providing valuable background documents.

We are especially grateful to Randal Thompson, Charles Allen, and the rest of The QED Group, LLC (QED) staff for their invaluable support in coordinating logistics, translations, and scheduling; this evaluation would not have been possible without their dedication. QED's local data collection partner also deserves thanks for its contribution of valuable focus group research around the country. In addition, the team would like to thank our security providers for ensuring we reached every meeting safely.

Finally, it is our hope that this report can help USAID, IFES, and the IHEC to place USAID's historical support to the Iraqi electoral authorities in perspective and to identify ways in which future programming can build on its successes and further the development of Iraq's democratic institutions.

Washington, DC

June 2010

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# ACRONYMS

AOTR	Agreement Officer's Technical Representative
BoC	Board of Commissioners (of the IECI/IHEC)
CEO	Chief Electoral Officer (of the IECI/IHEC)
CEPPS	Consortium for Electoral and Political Process Strengthening
CoM	Council of Ministers
COP	Chief of Party
CoR	Council of Representatives (the Iraqi Parliament)
COTR	Contracting Officer's Technical Representative
CPA	Coalition Provisional Authority
CTA	Chief Technical Advisor (UNAMI)
DoD	Department of Defense
EMB	Electoral Management Body
ESP	Electoral Support Program
EU	European Union
GC	Governorate Council
GEO	Governorate Electoral Office
GoI	Government of Iraq
IEAT	International Electoral Assistance Team
IECI	Independent Electoral Commission of Iraq
IGC	Iraqi Governing Council
IHEC	Independent High Electoral Commission
IIG	Iraqi Interim Government
IMIE	International Mission for Iraq Elections
IOM	International Organization for Migration
IRAP	Iraq Rapid Assistance Program
ISF	Iraqi Security Forces
KNA	Kurdistan National Assembly
KREO	Kurdistan Regional Electoral Office
KRG	Kurdistan Regional Government
MoFA	Ministry of Foreign Affairs
MNF-I	Multi-National Forces - Iraq
NGO	Non-Governmental Organization
OCV	Out of Country Voting
PPA	Provincial Powers Act
PRT	Provincial Reconstruction Team
QED	The QED Group, LLC
RRT	Regional Reconstruction Team
SNV	Special Needs Voting
SOW	Scope of Work
SSSA	Scuola Superiore Sant'Anna
TAL	Transitional Administrative Law
TNA	Transitional National Assembly
UN	United Nations
UN-EAD	United Nations Electoral Assistance Division
UNAMI	United Nations Assistance Mission for Iraq
UNOPS	United Nations Office of Program Support
USAID	United States Agency for International Development
USG	United States Government
USFI	United States Forces-Iraq

# EXECUTIVE SUMMARY

In the past five years, the Iraqi government has organized and conducted a total of eight major electoral events. While some of these processes have undoubtedly unfolded more successfully than others, the very fact that elections have even been held in Iraq is remarkable, given the extreme organizational and security challenges. On March 7, 2010, the people of Iraq closed the circle they started in 2005 by going to the polls in significant numbers – despite widespread threats of violence – to elect a new Council of Representatives (CoR). Embracing their new constitutional framework, Iraqis continued to consolidate their nascent democracy by replacing the legislature which they voted into office in December 2005. Once again, Iraq’s electoral authorities successfully laid the groundwork for citizens to further rebuild the country.

While the recent elections are a testament to the progress which the electoral administration has made, the unconditional support of the international community was critical to this success; without international support, the elections may not have been possible. The uninterrupted commitment and support of the United States Agency for International Development (USAID), for example, has been essential to Iraq’s electoral and political progress. This assistance, channeled through the International Foundation for Elections Systems (IFES), has played a particularly significant role in building the capacity of the electoral commission.

For nearly six years, IFES has contributed to Iraqi reconstruction efforts. The organization’s assistance has taken many forms, including technical advice and guidance to the Coalition Provisional Authority (CPA) and the Iraqi Governing Council (IGC), commodity procurement support to the transitional Independent Electoral Commission of Iraq (IECI) in preparation for the historic 2005 election cycle, and long-term institutional strengthening and capacity building assistance to the permanent Independent High Electoral Commission (IHEC). Through this work, IFES has played a key role in helping Iraq reach the point it is at today.

But as Iraq and its democratic institutions have developed and matured, so too have the assistance mechanisms and types of support provided by the international community changed. The types of assistance which IFES provided to the IECI in 2005, for example, would be of little use to the IHEC today. The same will be true in the future, as the country’s political context and the IHEC’s needs continue to change. In order to better identify these needs and more effectively formulate future assistance strategies, a close look at the IHEC’s current capacity – and IFES’ programming foci – is needed.

To that end, USAID tasked the Performance Evaluation and Reporting for Results Management (PERFORM) project, implemented by The QED Group, LLC (QED), to undertake a comprehensive evaluation of IFES’ electoral assistance initiatives in Iraq, including an Out of Country Voting assistance component for the March 2010 parliamentary elections. In April 2010, PERFORM assembled a team of electoral experts to undertake this evaluation. Following two weeks of research activities and meetings with USAID personnel and IFES staff in Washington, DC, the team deployed to Iraq. There, it spent three weeks compiling information related to Iraq’s recent electoral history, the IHEC, and IFES’ assistance to the Iraqi electoral commission.

The information gathered in these research activities and meetings – both in Washington and in Iraq – has been used to develop this report, which highlights the strengths of the program and identifies areas that could be implemented more effectively. Consequently, the PERFORM evaluation team also outlines in this report a series of recommendations aimed at improving electoral initiatives in Iraq. While PERFORM understands that the ultimate purpose of this evaluation is to make recommendations for continued IFES assistance and support to the IHEC, in an effort to ensure the

optimum implementation of these suggestions, PERFORM also outlines recommendations to USAID and the IHEC.

Among some of the strengths of IFES' electoral support initiatives in Iraq outlined in this report, PERFORM found that:

- The technical expertise provided to Iraq's EMB by IFES since 2005 has been exceptional, in large part thanks to the strong quality and capacity of IFES staff in Iraq;
- IFES' flexibility and consistent ability to respond quickly has been instrumental;
- USAID has proven to be an extremely productive partner, greatly facilitating IFES' ability to work under very stressful circumstances and significantly shielding them from external factors and outside actors;
- Despite its initially unprecedented nature, IFES' unallocated "Emergency Procurement Funds" budget line item proved indispensable, particularly during the 2005 electoral cycle;
- USAID's willingness to revisit and refine the program description for IFES programming in Iraq allowed for very high levels of flexibility. The program description's somewhat open scope substantially contributed to IFES' effectiveness; and
- IFES' signing of a Memorandum of Understanding (MoU) directly with the IHEC greatly improved the effectiveness of its assistance to the Iraqi electoral commission.

Alternately, IFES' programming in Iraq has encountered some shortcomings, albeit relative few. Among these:

- Within the International Electoral Assistance Team (IEAT), the rather ambiguous relationship with UNAMI, while initially effective, subsequently hindered IFES' assistance efforts;
- IFES' unprecedented \$40 million cooperative agreement in 2005 resulted in notable growing pains within the organization. IFES' inexperience in absorbing such a significant amount pushed the limits of its administrative and financial management capabilities; and
- With a constantly decreasing number of capable electoral experts willing to travel to and work in Iraq, IFES' recruitment capabilities have been challenged.

Based on its findings during the performance of this programmatic evaluation, PERFORM is also presenting, among other recommendations, the following:

- Continue robust IFES technical assistance and support to the IHEC and its Governorate Electoral Offices (GEOs);
- Extend the MoU between IFES and IHEC to ensure continued efficiency and effectiveness of assistance provision and support;
- Ensure placement of high-caliber experts on the IFES team to continue building the capacity of the IHEC;
- Provide substantial and ongoing technical support to the IHEC in its continued development of a voter registry, through ongoing IT and software assistance;
- To the extent possible, coordinate closely with IEAT, specifically UNAMI. Regular and periodic meetings/retreats should be held to ensure optimum assistance provision;
- IFES should strengthen its administrative and financial management capabilities in its DC headquarters and dedicate administrative and financial personnel to the program; and

- IFES should include an electoral legal expert on its Iraq team to advise IHEC.

In its evaluation, PERFORM analyzes IFES' record of electoral support, taking into consideration the changing context in which this assistance has been provided. While today the IHEC is a technically strong and professional EMB, the evaluation team finds that it is not ready to stand on its own. While significant steps have been taken to consolidate Iraqi peace and democracy, considerable challenges remain for the IHEC and for Iraq as a whole.

The successful recent history of Iraq's electoral development rests on IFES' uninterrupted commitment to Iraq and its exceptional quality of support, the effective vision of USAID, and the electoral commission's determination to continually improve its management of the election process. It is the evaluation team's belief that the continuation of this essential partnership has the potential, in the coming years, to provide the Iraqi people with the means to exercise their democratic rights and shape their country's political future peacefully.



# INTRODUCTION

Iraq's political transformation since the fall of Saddam Hussein's regime in 2003 has been remarkable. The recently concluded March 2010 parliamentary elections are a testament to the heroic efforts and sacrifice of millions of Iraqis. While questions regarding the outcome of this process did emerge, the 62.4 percent voter turnout figure speaks for itself: the majority of Iraqis has actively embraced the promise of democracy and is eager to exercise their rights, even in the face of security threats.

Nonetheless, challenges abound. Iraq remains susceptible to sectarian violence and insurgency, and the reconstruction of the country's physical and political infrastructure may take years. Without the continued commitment and collaboration of the international community, the tremendous advances achieved so far will remain vulnerable. While the Iraqi government's capacity has increased considerably, ongoing technical assistance and support from the international community remain essential for further institutional development.

Nowhere are the results of – and the need for – continued support and assistance more evident than in the IHEC. Since its beginnings prior to the challenging 2005 electoral cycle<sup>1</sup>, the Iraqi election commission has matured into a relatively efficient, effective and, in many cases, technically sound organization. Indeed, the uncertainty surrounding the recent recount of election results in Baghdad stemmed from the ruling coalition's dissatisfaction with the contest's results; the competence of the IHEC and its administration of the election were not at issue. In fact, domestic and international observers – including the United Nations (UN) – endorsed the integrity of the process.

Under the scrutiny of domestic and international observers and political entity agents (party poll watchers), the IHEC efficiently and transparently concluded the recount process, overwhelmingly upholding the accuracy of the initial results. This politically sensitive post-electoral challenge served to strengthen the IHEC's credibility and as a strong and permanent Iraqi democratic institution. This dispute now resolved, the IHEC is potentially ushering in the first-ever peaceful, democratic transfer of power in modern Iraqi history.<sup>2</sup>

Since its creation in 2004, Iraq's EMB<sup>3</sup> has proven effective at administering largely credible elections. However, it has not done so alone, relying heavily on international assistance from USAID, the UN, the European Union (EU), and USAID's consistent contributions in the form of IFES' technical assistance programming have facilitated the successful conduct of elections and a new tradition of democratically elected governments in Iraq, both at the national and provincial levels.

In September 2004, USAID and IFES entered into a cooperative agreement aimed at laying the groundwork for a series of electoral events that would devolve sovereignty to Iraqi leaders and bring democracy to the country. While this groundwork has at times appeared mined and sabotaged, through the years, the road to democracy has been paved. With direct IFES assistance, Iraq's

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<sup>1</sup> The 2005 electoral cycle included five landmark electoral events: on January 30, the election for the Transitional National Assembly (TNA), governorate (provincial) elections, and Kurdistan Regional Government (KRG) elections; on October 15, the constitutional referendum; and on December 15, the contest for a permanent legislature, the 275-seat CoR.

<sup>2</sup> After election results revealed no outright majority in the CoR, negotiations for the formation of the country's next government were ongoing at the time of this writing. While Prime Minister Nouri al-Maliki's coalition garnered two fewer seats than that of his rival, former Premier Ayad Allawi, he could conceivably remain as Prime Minister.

<sup>3</sup> Iraq's current EMB, the permanent Independent High Electoral Commission (IHEC) was preceded by the Independent Electoral Commission of Iraq (IECI), which oversaw electoral events in the country during the transitional period, from 2004-2006.

electoral bodies have organized, administered and conducted a total of eight elections<sup>4</sup> since January 2005. The very fact that elections have even been held is significant, when taking into account the logistical, technical, and security challenges faced by the Iraqi authorities and IFES.

But as the Iraqi electoral commission continues to evolve, so too must the assistance mechanisms, types of support, and levels of cooperation. To maximize the effectiveness of continued support, a closer look at IFES' assistance initiatives – and the IHEC's needs – is necessary. To that end, USAID contracted PERFORM to undertake a comprehensive evaluation of IFES' long-running Electoral Support Program (ESP) and recent Out of Country Voting (OCV) Program and their impact on the country's electoral administration.

In addition to an analysis of the strengths and weaknesses of IFES' support, this evaluation provides USAID with lessons learned throughout the life of the IFES programs. Finally, the report offers a series of recommendations for future assistance which PERFORM hopes will allow USAID to further assist the IHEC to establish itself as a self sustainable, reliable facilitator and guarantor of Iraqi democracy.

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<sup>4</sup> Besides the five elections held by the IECE in 2005, the IHEC has administered an additional three processes: the January 2009 governorate elections, the July 2009 Kurdistan Regional elections, and the March 2010 CoR elections.

# EVALUATION SUMMARY

## **Scope of Work**

Given the considerable scope and duration of USAID's assistance to the IHEC through IFES' Electoral Support and OCV Programs, the USAID/Iraq Democracy and Governance Office asked PERFORM to evaluate the programs and, as detailed in the Scope of Work (SOW) "to highlight the successes and shortcomings of the existing USAID support to the IHEC."

The insights which USAID has sought in contracting this assessment will be particularly relevant in the coming months, as these two IFES programs reach their official end dates and USAID's Democracy and Governance Office considers the potential form which future programs may take. As the SOW notes, "This evaluation will play an integral role in the design and development of the next iteration of USAID's support to the electoral processes in Iraq. The intent of this study is to provide qualitative information that will ensure that USAID/Iraq is well-prepared to design the follow-on electoral support program."

The SOW outlines a suggested methodology, team composition, and timeframe for the evaluation process, as well as specifying the structure of the final evaluation report.

## **Methodology**

By and large, the PERFORM evaluation team closely followed the methodology recommended in the SOW and – in spite of a number of unforeseeable scheduling obstacles – was able to successfully complete its evaluation in the anticipated timeframe.

In conformity with the SOW, PERFORM assembled a team of electoral experts in March 2010 to undertake a comprehensive evaluation of the IFES programs in question.<sup>5</sup> Following USAID/Iraq's approval of the team members, the team began its work in early April through an initial period of document review. During that week, the team members familiarized themselves with the programs' history by reviewing the cooperative agreements, program modifications, quarterly reports, work plans and monitoring plans, IFES internal reports, IEAT reports, legal framework documents, IHEC publications, and other relevant documentation. In this phase as in all subsequent phases, the evaluation team structured its information gathering efforts around the research questions detailed in the SOW:

### ***Electoral Capacity***

- *What are the changes in IHEC's capacity that are attributable to the programs?*
- *What are the ongoing/existing capacity issues, both within and outside of IHEC, which future USAID support can address?*
- *What are the historical contributions and future assistance plans of other donors to the sector?*
- *What are the gaps that need to be addressed?*

### ***Program Evaluation***

- *Did the IFES program meet its stated goals and objectives?*
- *Was there a direct link between the programs and sectoral changes/ improvements?*

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<sup>5</sup> Biographies of the evaluation team members are included as Annex F.

- *Were program objectives adequate to meet IHEC needs?*
- *What are the lessons learned from program implementation?*

With these questions in mind, the team convened in Washington, DC, to begin its interview phase through a series of conference calls and in-person meetings with individuals who had been and/or remained involved with the IFES programs. Among others, these included past and present USAID personnel and IFES staff, UN-EAD members, State Department and Department of Defense (DoD) personnel, and others.

After a series of meetings in Washington, the team deployed to Iraq, arriving in Baghdad on April 22. During its three-week deployment, the evaluation team conducted extensive field research, meeting with representatives of USAID/Iraq, the US Embassy, US Forces in Iraq (USFI), IFES, and the UN Assistance Mission in Iraq (UNAMI), as well as IHEC commissioners and technical staff. In order to maximize its time in Iraq, the team split up for several days, with two team members traveling to the northern city of Erbil to conduct similar interviews with local electoral authorities, USAID Regional Reconstruction Team (RRT) staff, other USAID implementing partners, and members of local non-governmental organizations (NGOs).<sup>6</sup>

By following this methodology outlined in the SOW, the evaluation team was able to effectively gauge upper-level actors' impressions of IFES' work in support of the IHEC. In addition, the team also sought to capture feedback from ordinary Iraqis. Security constraints prevented the team from interviewing Iraqi citizens throughout the country, but by making use of PERFORM's local research subcontractor, the team was able to gather a small but nonetheless insightful collection of perspectives on the evolution of the IHEC and its work through focus groups.<sup>7</sup>

Following a brief exit presentation to staff of the USAID/Iraq Mission, the team returned home to review and organize its findings and develop the evaluation report.

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<sup>6</sup> A schedule of meetings held is included as Annex A, and a summary of the information uncovered through these interviews is included as Annex B.

<sup>7</sup> Further information on the focus group research methodology and findings is included as Annex C.

# BACKGROUND

## **Creation of the State of Iraq and Previous Elections**

Following more than four centuries of Ottoman rule, the modern state of Iraq emerged from the aftermath of World War I as a British territory sanctioned by the League of Nations. After installing King Faisal I at the head of a constitutional monarchy in 1925, Britain granted the Kingdom of Iraq its independence in 1932.

Iraq's electoral history can be traced back to this period. The kingdom's 1925 constitution calls for the establishment of a bicameral legislature, made up of a Chamber of Deputies and a Senate. While members of the 20-member senate were appointed by the King, members of the Chamber of Deputies<sup>8</sup> were elected every four years. From 1925 until the 1958 military overthrow of the monarchy – known as the 14th of July Revolution – a total of 10 general elections are said to have been held, though they are widely believed to have been manipulated by the monarchy.

Following a series of military coups in the 1960's, the Arab Socialist Ba'ath Party firmly took control of the country in 1968. After arresting or killing his rivals in the Revolutionary Command Council, Saddam Hussein seized control of the party and the country in 1979. Iraq's questionable electoral experience under Saddam include a 2002 referendum, in which he was reelected to another seven-year term with 100 percent of the vote, improving upon a 1995 vote in which he received only 99.96 percent of the ballots cast. Although Saddam's regime maintained the illusion of democratic elections, it left behind no electoral administration, managerial capacity, or infrastructure.

## **Post-Saddam Iraq and Elections Planning**

In the lead up to the March 2003 invasion of Iraq, the US DoD established the Office for Reconstruction and Humanitarian Assistance (ORHA) to act as a caretaker administration until a democratic Iraqi government could be created. Following the invasion and the subsequent fall of Saddam Hussein's regime, ORHA was replaced by the Coalition Provisional Authority (CPA), who accepted its mandate of rebuilding and temporarily governing a new Iraqi state.

Less than three months after assuming his post as CPA Administrator, Admiral L. Paul Bremer established the Iraqi Governing Council (IGC). While serving under the CPA's authority, the IGC constituted the Iraqi partner in the administration of post-war Iraq, providing advice and Iraqi leadership. The IGC was charged with several important responsibilities, including the drafting of Iraq's Transitional Administrative Law (TAL), which among other things, outlined a timeframe for specific electoral events in the country aimed at the drafting of a constitution, and subsequently, the election of a permanent government.

Devolving sovereignty back to Iraq was a key component in the US-led Coalition's post-invasion strategy, and a main CPA priority. After the creation of the IGC, talk began about the potential for the conduct of elections. Shortly thereafter, IFES began undertaking on-the-ground analyses of the political situation in Iraq and the prospects for democratic elections. In September 2003, IFES conducted the first comprehensive electoral assessment of Iraq, which proved instrumental to the CPA in the formulation of an electoral strategy. IFES' assessment included a series of technically-based scenarios, options, and recommendations for the organization and operational planning of nationwide elections<sup>9</sup>, within the broader context of the country's transition towards democracy.

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<sup>8</sup> According to Article 36 of the 1925 constitution, the number of deputies in the chamber would be determined at a rate of one per 20,000 male voters in the country.

<sup>9</sup> The UN undertook a similar assessment in the summer of 2003, but due to the August 19 bombing of UN headquarters at the Canal Hotel in Baghdad, in which several UN officials perished, a report was never issued.

Without any electoral infrastructure or expertise in place, preparations for nationwide elections would require a significant amount of time.<sup>10</sup> While IFES' conclusions included caveats related to necessary timeframes, standard technical requirements, and conditions for the realization of internationally acceptable elections, at the time, political pressures outweighed these considerations. Bowing to growing pressure to transfer sovereignty back to Iraqis, the CPA and IGC announced in November 2003 an agreement<sup>11</sup> aimed at holding a series of caucuses in the country's 18 provinces. In lieu of direct elections, Iraqi officials chosen as a result of this process would subsequently form the country's Transitional National Assembly (TNA). This plan was not well received by a majority of Iraqis and was essentially vetoed by the highly influential Grand Ayatollah Sistani, who demanded direct, national elections. As a result of the fierce opposition, the caucuses plan was effectively withdrawn.

While the CPA and IGC sought an alternate framework for the devolution of authority to a credible Iraqi government, they continued their efforts to gain legitimacy among the increasingly impatient Iraqi populace, working to stabilize the deteriorating situation in the country and drafting the TAL. In the meantime, on December 30, the IGC requested that the UN Secretary General dispatch a team to Iraq to assess the feasibility of direct elections within the June 30 timeframe. Based on that team's findings, in February 2004, Secretary General Kofi Annan stated that, "The major consensus or understanding is that elections cannot be held before the end of June; that the June 30 date for handover of sovereignty must be respected and that we need to find a mechanism to create a caretaker government and then help prepare the elections later".

Ultimately, the CPA and IGC modified their original electoral calendar, significantly pushing back some key milestone dates.<sup>12</sup> As a result, sovereignty was eventually handed back not to elected Iraqi authorities, but to an Iraqi Interim Government (IIG) whose members were chosen by coalition partners, the UN, and Iraqi political leaders. And so, following months of rising tensions and increased violence, the CPA officially returned sovereignty to Iraq on June 28, 2004, two days before the established deadline. According to the TAL framework (prepared and drafted by the now-defunct IGC) the IIG was charged with steering the country through a particularly challenging and complex period.

Before officially disbanding, however, the CPA left in place a series of administrative and legal orders – safeguards aimed at preserving many of the decisions made during the previous 15 months, essential to preserving and otherwise advancing some of the Coalition's political and military objectives. While the TAL was now the supreme law of the land during the transitional period, the applicable orders issued by the CPA would remain in force and effect. Among these was CPA Order Number 92<sup>13</sup>, which created the IECE to administer Iraqi electoral events until the establishment of a permanent government.

With firm election deadlines now determined, and the legal framework for the establishment of an Iraqi EMB now in place, efforts to prepare for and organize these processes advanced substantially.

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<sup>10</sup> Along with the CPA and IGC, the US-led Multi-National Forces in Iraq (MNF-I) had set June 30, 2004 as a deadline for transferring sovereignty back to Iraq. The absence of voters' rolls and a census – coupled with the increasing violence – ultimately prevented organizing and preparing nationwide elections within this timeframe.

<sup>11</sup> This November 15, 2003 agreement also targeted June 30, 2004 as the deadline for the transfer of sovereignty from the CPA back to Iraqi authorities.

<sup>12</sup> Based on the caucuses plan, for example, elections for a TNA would be completed by May 31, 2004. In fact, elections for the TNA did not take place until January 30, 2005. Article II of the TAL, which entered into effect on June 28, 2004, stipulated TNA elections should take place no later than January 31, 2005. Article 57 stated that elections for the country's 18 Governorate Councils (GCs) and the KNA should also take place by the same date.

<sup>13</sup> On May 31, 2004, the CPA, through Order #92, created the IECE, rendering it the exclusive electoral authority throughout the country during the Transitional Period. Following the December 15, 2005 elections for the Council of Representatives, and the subsequent formation of a government, the IECE was substituted by the permanent Independent High Electoral Commission (IHEC).

IFES, which had remained in Iraq<sup>14</sup> and had continued undertaking assessment activities and providing advice to the CPA, was well-placed to lead electoral assistance efforts in the country. Not only had IFES remained on the ground since the summer of 2003, it had made significant contributions to the conceptual development of the country's electoral framework and process, including the creation of the IECI.<sup>15</sup>

However, international commitments and protocols, framed within various UN resolutions concerning Iraq, prevented IFES from assuming the lead role of advisor to the newly created Iraqi electoral authority. On June 4, 2004, the UN Security Council passed Resolution 1546<sup>16</sup>, designating leading authority to UNAMI in the provision of international electoral assistance and support to the country. Considering the sensitivities that existed regarding the US-led occupation of Iraq, having an American organization lead electoral support efforts would have been politically difficult, if not altogether counterproductive. The UN's assumption of the lead role provided not only a high degree of credibility, but also put a multilateral stamp of approval from the international community on the electoral assistance activities in Iraq.

Following the tragic attack on its Baghdad headquarters in August of 2003, however, the UN was still reeling and struggling with doubts about the cost-benefit balance of its presence on the ground in Iraq. Its new assignment to provide electoral assistance to the Iraqi electoral authorities presented a significant challenge. At various points over the years that followed, strict internal security regulations prevented the UN Electoral Assistance Division (UN-EAD) from completely fulfilling its mandate to assist the IECI. Capitalizing on relatively less restrictive policies and its prior contributions to the ongoing development of an electoral plan, IFES stepped in to fill the void, maintaining a consistent presence on the ground and offering near-constant assistance to the IECI. While the UN resolution may have prevented an IFES leading role and the visibility it would have brought, in retrospect IFES' work benefited from its considerable flexibility, mobility, and – more importantly – political cover. Ultimately, this situation set the stage for the creation and establishment of the International Electoral Assistance Team (IEAT), a UN-led group of donors and electoral experts.

### **Formation of the IEAT**

In the second half of 2004, the formation of the IEAT was the natural result of UNAMI's mandate as the leader of international technical assistance to the Iraqi electoral authorities and its inability to provide the Iraqi EMB with the assistance it required. In addition to the necessary mobility and flexibility, to a certain extent UNAMI also lacked the numerous high-caliber experts that would be necessary to build electoral authorities' capacity. IFES, by contrast, did not have the political and legal authority to provide assistance on its own, yet it had at its disposal a deep bench of electoral advisors with significant expertise. In addition, IFES was unencumbered by the UN's strict personnel ceilings and other new restrictions, allowing it to quickly respond to the ambitious preparatory calendar necessitated by the 2005 electoral schedule. In the face of this challenge, the UN and IFES shared a common objective: to provide the necessary support and assistance to the IECI in order to ensure that the electoral process would not be derailed.

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<sup>14</sup> From mid-2003 until it signed its formal cooperative agreement with USAID in September 2004, IFES was involved in election planning and technical assistance activities under USAID's Office of Transition Initiatives, USAID's Local Governance Program, and under the CPA directly, with funds from the Development Fund for Iraq.

<sup>15</sup> A Senior IFES Elections Expert, who had been advising the CPA on elections issues, played a significant role in laying the conceptual foundations for the establishment of the IECI. Since mid-2003, IFES had also, among other things: drafted an operational concept and cost estimate, which to a large extent remained intact; advised the IGC and CPA on electoral calendars and modalities; assessed the utility of the Public Distribution System (PDS) database for voter registration purposes; and assisted the UN, IGC, and the CPA in drafting elements of the electoral law.

<sup>16</sup> In Paragraph 7, Section (a), Subsection (ii).

Eventually, other international organizations and donors joined the team<sup>17</sup>, but from its inception, the IEAT's indispensable members were UNAMI and IFES. While the 2005 electoral cycle could have likely taken place without the other members, without UNAMI or IFES, timely elections would not have been possible.

The IEAT represented the first time that international organizations had partnered together to form one cohesive electoral support and assistance unit. The particular situation on the ground in Iraq required creative and pragmatic approaches to organizing resources and providing the much-needed electoral support. And although this approach was highly successful during the 2004-2005 period, its somewhat haphazard creation and loose arrangement greatly limited its capacity to provide coordinated assistance over the long-term.

### **Initial USAID Involvement and Support of IFES**

Continuing its work under the Research Triangle Institute's (RTI) Local Governance Program (LGP), IFES' time in Iraq was running out in the summer of 2004. With sovereignty back in Iraqi hands, and January 31, 2005 elections approaching, IFES had no programmatic or administrative mechanism under which to operate. Recognizing this impending crisis, representatives of USAID's Office of Transition Initiatives (OTI), some of whom had been seconded to the CPA during the 2003-2004 period, quickly developed a program description aimed at providing IFES with a much needed implementation vehicle to lend its assistance and electoral expertise to the IECI.

Besides the date, however, little else was clear about the fast-approaching elections for the Iraqi TNA. Additionally, while UNAMI enjoyed an international mandate to lead electoral support efforts, it was still struggling to establish a necessarily robust in-country presence. Taking into account the few known factors – and making a very well educated estimate of the many unknown factors – USAID developed a very pragmatic and flexible framework for IFES' much-needed involvement in Iraq. On September 1, 2004, USAID and IFES signed a 17-month, \$40 million cooperative agreement aimed at supporting the IECI in its preparations for the conduct of the new Iraq's first election cycle.

As it was originally conceived, the USAID/IFES program, administered under the Consortium for Elections and Electoral Processes Strengthening (CEPPS) mechanism, had two overarching objectives, both ultimately designed to ensure compliance with the very ambitious 2005 electoral timetable set forth in the TAL. The program's first objective was to "Support the IECI and its election administration in the technical and administrative development and operational implementation of the full transitional election cycle(s)." The second objective, which proved absolutely instrumental for the successful realization of the 2005 cycle, was to "Provide election commodities and technical support for the infrastructure development of the election administration at the national, governorate, and sub-governorate levels."

### **Post-2005 Electoral Support Initiatives**

Following the successful completion of the historic 2005 electoral cycle, which ultimately resulted in the election of a permanent, 275-member Council of Representatives (CoR) on December 15, 2005 – and subsequently the formation of an Iraqi government in May 2006 – USAID/IFES' attention shifted to adapt to the new and emerging reality in Iraq. With the administrative and organizational challenges of five electoral processes out of the way, IFES wanted to now focus on helping build a permanent electoral commission.

The IECI, whose mandate would end when the new Iraqi government was constituted, would make way for a permanent electoral authority, the IHEC. IFES' focus – and indeed that of the UN-led

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<sup>17</sup> Besides the two main members (UNAMI and IFES), the IEAT included the EU, the Scuola Superiore Sant'Anna (SSSA), the United Nations Development Program (UNDP), and the United Nations Office of Program Services (UNOPS), among others.

IEAT as a whole – was shifting from the crisis management mode essential during the 2005 elections, toward an institutional development and capacity building mode.

The intensive 2005 cycle had certainly built Iraqi capacity; many of the Iraqi managers overseeing important departments within the EMB had gained considerable experience during the previous year. But the Iraqi electoral commission was still largely a shell, lacking the capability to organize and manage elections on its own. At the beginning of 2006, many staff began leaving the IECI, either to other government ministries or agencies, or altogether leaving the country. Significant efforts would have to be put in place to meet the new challenge of building the IHEC, for all intents and purposes, from the ground up.

### **IFES Programming: 2006-2008**

Within this new context, new challenges would emerge. Political developments in Iraq ground to a halt. The formation of a government alone took five months. The transition from the IECI to the IHEC froze, falling victim to the standstill in the CoR. In the meantime, the extremely talented group of individuals who had worked in the IEAT – whether with IFES, the UN, or any of the other member groups – began dispersing, leaving Iraq for other, newer challenges elsewhere. USAID was also not immune to turnover. Together, these ingredients conspired to bring about a relatively unproductive period in the IFES program.

It is important to emphasize, however, that these circumstances were largely external to IFES responsibility and influence. As IFES remained in Iraq, ready to continue providing ongoing technical assistance and support to the country's EMB, its IEAT leader, the UN, had essentially vacated the country. In fact, from February to November 2006, UNAMI did not have a Chief Technical Officer (CTO) in place to coordinate and oversee its electoral support efforts in Iraq, leaving the IEAT it headed without leadership. Coupled with an increasingly critical security situation and a complete stall in Iraqi political developments, IFES struggled to maintain a meaningful presence.

Consistent with the new constitution that been approved in October 2005 and was now in full force and effect, IFES was preparing to provide assistance for the realization of Governorate Council (GC) elections, which were supposed to take place in the fall of 2006. When not in recess, however, the CoR focused on other matters. Indeed, even the creation of the IHEC was postponed repeatedly.<sup>18</sup> Subsequently, the organization of GC elections was also put on indefinite hold. The lack of developments and increasing uncertainty weighed heavily on IFES and on USAID and UNAMI as well.

Despite the Iraqi inability to move forward – and the UN's absence – IFES felt compelled to preserve its presence and commitment. The IECI saw IFES as a faithful and loyal partner, if not also an independent arbiter. Due to the slowdown in activities, and the decrease in legitimacy that came with the caretaker status, the IECI needed a continued international presence. In fact, some commissioners requested IFES to remain on the ground, regardless of the inactivity. With so much downtime and little to do, the situation in the IECI degenerated to unfortunate levels. Some commissioners began ordering investigations of their colleagues on charges of corruption, eventually resulting in the 42-day imprisonment the IECI's Chief Electoral Officer (CEO).

But IFES continued believing the situation could turn around quickly: just as things had come to a halt, the CoR could move forward quickly on the creation of the IHEC and subsequently call GC elections. IFES felt it had to stay firmly in place.

The original expiration date for the cooperative agreement between USAID and IFES was January 31, 2006. With the creation of the IHEC and GC elections on the docket – and a significant amount of funds still unspent – IFES requested and was granted a no-cost extension of its program. The extension would allow IFES to compile important lessons learned from the intensive 2005 cycle and

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<sup>18</sup> The IECI's mandate was set to expire following the formation of a government, which did not happen until May 2006. Its mandate was extended multiple times, albeit with limited, caretaker status. The IHEC was not formed until the spring of 2007.

also to begin strategizing for continued assistance in light of the emerging objectives. USAID remained very flexible and accommodating during the immediate aftermath of the 2005 electoral cycle.

In the hopes that political advances would be achieved in Iraq, and that the IHEC would soon be formed, USAID granted IFES a total of three program extensions in 2006, the last of which also included a \$10 million addition to the program.<sup>19</sup> Throughout the year, IFES tried desperately to make a positive impact on the IECEI, but the commission's very limited decision-making capacity made concrete results difficult to achieve. In addition, pressures from the UN for IFES to reduce its physical presence also impeded assistance efforts. Seeing, in the fall of 2006, that no progress had been made in its efforts to build the capacity of the IECEI – and that the establishment of the IHEC was nowhere in sight – USAID asked IFES to aggressively adapt its strategy to more accurately address the current situation in Iraq. Facing pressure from various directions, IFES significantly reduced its staffing levels in the country.

Finally, in February 2007, the CoR passed a law paving the way for the formation of the new and permanent Iraqi EMB. Following a nomination and selection process, nine new commissioners were approved on April 26, 2007. More than a year behind schedule, Iraq had a new electoral authority. Coinciding with this significant development, IFES, UNAMI, and even USAID deputed new staff to oversee electoral support activities in the country. This fresh start proved to be an important turning point, re-energizing a semi-dormant program and injecting much needed fresh thinking into electoral assistance initiatives.

With an IHEC and Board of Commissioners (BoC) in place, in June 2007 USAID modified its cooperative agreement with IFES, extending the end date to December 31, 2008, and increasing the program's budget by \$30 million. The new parameters split the program's focus into two phases: the first, six-month phase would mainly target training efforts for the new IHEC BoC, and in particular support the new CEO; the second, 12-month phase focused on ongoing capacity building, strategic planning, and operational development objectives, including database support and efforts to strengthen the 19 Governorate Electoral Offices (GEOs)<sup>20</sup> throughout the country.

Throughout 2007 and 2008, IFES sought to strengthen the IHEC, its responsiveness and its implementation capabilities. To that end, IFES provided a broad range of technical, operational and advisory support during this period. In 2008, with discussions on the organization of GC elections finally underway, IFES also provided advice and guidance to the CoR and the Council of Ministers (CoM) in drafting revisions to the laws related to GC elections. Similar support was also provided in relation to elections in Iraqi Kurdistan.

Additionally, and in anticipation of the GC elections called for early 2009 and the Kurdistan general elections slated for July of the same year, IFES undertook a series of electoral preparedness and readiness assessments in each of the 19 GEOs.<sup>21</sup> It is important to note that since the 2005 electoral cycle, no capacity and/or needs assessments of the Iraqi electoral infrastructure had been performed. Based on these 2008 GEO assessments, IFES organized and provided capacity development assistance to prepare the IHEC and its provincial satellite offices for the upcoming processes.<sup>22</sup> This assistance included crucial support in the establishment of a functional voter registry, a voter registration update, development of IT infrastructure and software, operational

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<sup>19</sup> Further details on the program modifications are included in Annex D.

<sup>20</sup> The IHEC is composed of a national level office, based in Baghdad, a Kurdistan Regional Electoral Office (KREO), and 19 GEOs; one in each of the 17 outlying provinces, and two GEOs in Baghdad.

<sup>21</sup> Ultimately, GC elections were not held in Kirkuk. At the time of planning the assessments, Kirkuk had not yet been excluded from the GC elections cycle, as the law regarding its status was still under debate.

<sup>22</sup> At the behest of the IHEC, IFES' GEO assessments did not include the KREO. At the time, there were strong tensions between the KREO and the IHEC national office about the devolution of authority and capabilities to the Kurdish regional authorities. Kurdish autonomy continues to be a very politically sensitive issue in Iraq, and the KREO is often-times seen as a harbinger of wider Kurdish independence. Mirroring the concerns seen in the CoR, the IHEC insisted on exercising its authority over the Kurdistan electoral process. In fact, IHEC staff from the national office were assigned to the KREO to oversee the Kurdish elections.

planning, and public outreach efforts. IFES support was also essential in the development of the IHEC Tally Center in preparations for these elections; IFES focused substantial efforts on building the capacity of the 19 GEOs throughout the country. IFES opened a satellite office in Erbil<sup>23</sup> to focus on training GEO personnel. While this initiative was successful, it was also relatively short-lived, lasting only a few months. After a comprehensive cost-benefit analysis, USAID asked IFES to close the Erbil satellite office in September 2008.

### **IFES Programming: 2009-2010**

In February 2008, the Iraqi CoR passed the Provincial Powers Act (PPA), a law outlining the governorates' relationship with the central government, in terms of the breadth and extent of their own decision-making authority in provincial matters, including elections. The PPA, in turn, required that a provincial elections law be drafted within 90 days, and subsequently, for GC elections to be called and held no later than October 31 of that same year. Following months of internal squabbling within the CoR, the provincial elections law was finally ratified in early October. While the IHEC had been working and preparing for GC elections it knew would happen soon, given the October ratification of the legal framework for the process, it simply did not have enough time to conduct the contest by the established deadline. Taking this into account, the CoR – in the law's final version – pushed back the deadline date for the conduct of GC elections by three months.

More than two years behind schedule, GEO elections were finally held on January 31, 2009.<sup>24</sup> IFES support and assistance for the realization of these elections was absolutely crucial. These elections also represented the first electoral test for the IHEC. While the Iraqi EMB had spent the previous 20 months building its capacity and strengthening its electoral infrastructure, it had yet to oversee nationwide elections.

That being said, the GC elections were far from perfect; they were, however, acceptable, complying at a minimum with internationally recognized standards. With elections in 14 governorates, this process constituted 14 separate elections, a significant challenge for an inexperienced electoral commission. Despite the significant challenges, and several missteps, the elections were conducted in a reasonably efficient manner. And although turn-out was not nearly as high as expected – at just above 51 percent – within the context of a nation at war, this level is not insignificant.

Six months later, Kurdistan National Assembly (KNA) elections were held, along with those for a Kurdistan President. The Iraqi constitution grants Iraqi Kurdistan an autonomous, federal status, allowing it to have an independent legislature and executive. Consequently, elections were held on July 25, 2009. Here, too, IFES played a significant role in supporting and assisting the Kurdish GEOs, the Kurdistan Regional Electoral Office (KREO), and the IHEC, which had ultimate authority in organizing and conducting these processes.

By all accounts, the Kurdistan electoral process was very successful. Turnout levels were exceptionally high – reaching close to 80 percent – and the overall organizational and operational capacity within the Kurdistan electoral apparatus proved to be strong. Given the relative peace and stability in Iraqi Kurdistan, capacity was measurably higher than the rest of the country. While the IHEC had final organizational and oversight responsibility for these elections, it did rely heavily on Kurdish resources.

Unlike the GC elections, which, despite their relative success, were somewhat disappointing, the Kurdistan elections served to increase the confidence of the IHEC and its staff. And in spite of ethnic tensions between Iraqi Arabs (a majority in the IHEC) and Iraqi Kurds (a majority in the Kurdish GEOs and the KREO), the Iraqi electoral authorities as a whole moved forward together, working and collaborating closely to make sure the elections were properly organized and

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<sup>23</sup> Although GC elections were not to be held in Kurdistan, Erbil was chosen as a satellite office site because of its significantly better security situation and relative easy access from the rest of the country.

<sup>24</sup> Elections were held in only 14 of Iraq's 18 provinces. GC elections in Iraq's Kurdish region provinces, and in the disputed Kirkuk governorate, have yet to be held.

successfully held. Under the overall authority and direction of the IHEC, IFES provided technical assistance and support at both levels, working with Iraqi electoral authorities at the national office, and with the Kurdish-based staff at the provincial and regional offices.

With two electoral processes now under their belt, the IHEC had little time to enjoy its success. As national elections for a new legislature were just months away, the Iraqi EMB immediately began work on organizing and preparing for this process. And although there were still many unanswered questions regarding the CoR elections, they would have to be addressed by the sitting legislature, as these were under their scope. In the meantime, however, the IHEC could focus on voter registration update activities, IT and software development efforts, operational planning and GEO needs assessments and preparations, among other activities.

Different interpretations regarding the deadline date for the conduct of the CoR contest<sup>25</sup> raised some controversy and concerns, eventually resulting in last minute scrambles. Among these, for example, were issues in the electoral law related to OCV,<sup>26</sup> and candidate eligibility concerns revolving around *de-Baathification* procedures.<sup>27</sup> Ultimately, elections for a new CoR took place on March 7, 2010, closing an ambitious and challenging circle dating back to 2005.

Iraqi EMBs have now organized and conducted a total of eight electoral processes. The considerable participation levels in the latest elections indicates that political actors have accepted Iraq's democratic framework and agreed to participate, actively engaging in the country's political discourse and respecting the rules of the game. While a new government has not been formed by the time of this report's publication, the IHEC's ability to successfully manage the recent recount process – and the election process before it – speaks volumes about its growth over the course of USAID/Iraq's assistance programs.

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<sup>25</sup> Article 56 of the Iraqi Constitution establishes legislative terms at four years, starting from the CoR's first session. It also requires elections for a new CoR to be held 45 days before the end of a current term. The previous CoR election had been held on December 15, 2005, but there were varying interpretations on when its first session took place, causing confusion on determining a date for the recently held CoR election.

<sup>26</sup> Articles in the electoral law regarding OCV, specifically those related to the breadth and extent of this component, raised serious concerns and controversies, resulting in an initial veto of the law by the country's Vice President.

<sup>27</sup> Initially, decisions regarding the eligibility of candidates – specifically those with previous ties to the Ba'ath Party – were to be made before the March 2010 elections. An agreement was reached to determine eligibility after the vote. The lack of clarity posed pre-electoral challenges and delays.

# ELECTORAL SUPPORT PROJECT

## **Electoral Capacity Analysis**

Throughout the close to six-year life of this program, IFES has continuously and effectively provided Iraqi EMBs with crucial technical assistance and support, including essential commodity procurement. During the course of this programmatic evaluation, it was unanimously communicated to the PERFORM evaluation team that without IFES' provision of support, none of the eight elections held since January 2005 could have taken place. In the process, the IHEC has gained invaluable experience and expertise, slowly evolving into one of the country's most effective government institutions. While no polling data exists to confirm the relatively high degree of credibility enjoyed by the Iraqi electoral authorities, anecdotal evidence suggests their standing is quite high.

The evaluation team would like to emphasize that as it assessed the various levels of capacity in the Iraqi EMBs, it makes an important distinction between the IECI and the IHEC. While the IECI was a transitional electoral authority charged with leading Iraq through a difficult and challenging period aimed at the establishment of a permanent government, the IHEC is the country's permanent electoral commission, entrusted with guiding the country in its post-transitional period. The context in which the IECI came to being and operated is entirely different than the context in which the IHEC was born. The IHEC is one of the results of the IECI's success. While the IECI ceased to exist in early 2007, the IHEC owes its legacy, credibility, and success – to a large extent – to the heroic work performed by the IECI.

While there are, indeed, specific areas where the IHEC is today self-sufficient, the QED evaluation team's findings suggest continued electoral technical assistance and support is far from complete. Despite the string of successes and the steady strengthening of the Iraqi EMB, IFES must remain strongly engaged. As USAID and IFES look toward the future, an emphasis must be made on continued capacity building efforts. If the IHEC is to evolve into a self-reliant, dependable, and trustworthy electoral commission, it must build its in-house capacities and strengthen its corps of human talent. While the training wheels may be ready to come off, IFES must jog alongside the IHEC as it peddles forward.

This section takes a closer look at the IHEC's development, highlighting its strengths and calling attention to its shortcomings. Based on the parameters of the SOW for this evaluation, and the comprehensive research activities undertaken towards that end, QED looks at four main questions, providing insightful answers in the hopes that these will shed light on future programming initiatives and objectives.

### **What are the changes in IHEC's capacity that are attributable to the programs?**

While the IECI had full decision-making authority during the 2005 electoral cycle, it had absolutely no technical expertise or electoral experience. For all intents and purposes, the 2005 elections were conducted by the IEAT. It's important to emphasize, again, that the IECI did have full decision-making authority, but the decisions made were based on the options presented and advice given by the IEAT. Ultimately, the IEAT's goal during 2005 was not to build electoral capacity, but rather to help the IECI organize and conduct elections.

Once the permanent IHEC was in place, the IEAT did shift its focus to address capacity building objectives. Unfortunately, due to the almost entirely new commission leadership, the intensive experience gained in 2005 was essentially lost. IFES – and the larger IEAT – had to largely build from scratch. But, with no electoral process on the horizon, the 2007-2008 period allowed for an important focus on capacity building initiatives. Before GC elections were called for January 2009 –

and the IEAT had to once again shift focus to address the organization of an election – IFES' program assistance had a direct impact on the IHEC in the following areas:

- **Voter Registration:** Significant improvements have been made in this area. While the IHEC still relies on information that has evolved from Iraq's Public Distribution System (PDS), the country's voter registry is relatively good. Periodic updates have been undertaken, increasing the number of voters in Iraq from 14.2 million in January 2005 to 19.2 million in March 2010. Based on what there is to work with – and lacking census information – the current system is acceptably operational. Periodic updates must continue.
- **Database Development and Management:** IFES has attempted to start new database and related procedures from scratch, but comfort level within the IHEC with current system is too strong. Slowly, however, this is being updated with newer technologies. Continued IFES mentoring is necessary.
- **IT and Software Development:** The IT capacity of the IHEC has also improved significantly. New technologies are being introduced. However, employees in this division gain experience and then are recruited away by other Gol ministries. Staff is talented, but turn-over is a concern. IFES must remain engaged.
- **Operational Planning:** IHEC is generally self sufficient in this area. A good number of staff in this department have substantial experience from previous elections. IFES has been key in building capacity of staff.
- **Warehouse Management:** Related to operational planning, any future IFES involvement should be limited to mentoring and follow-up guidance. Iraqis are largely self reliant in this area.
- **Elections Results Tabulation:** IFES continues working closely with the IT department. IFES was heavily involved in elaborating software for the vote counting process in the March 2010 elections. While staff have gained considerable experience, IFES guidance and involvement is still necessary, particularly as elections become potentially more complicated, i.e. district/sub district elections.
- **Logistics and Field Operations:** Related to operational planning, this is an area that Iraqis are quite self sufficient and successful. Continued IFES involvement should be limited to mentoring and follow-up guidance.
- **Legal Affairs and Analysis:** IFES has played important roles in advising the IHEC on key electoral law issues. While IHEC has strong legal affairs department, knowledge is insufficient. Department head has requested IFES assistance in this area in the form of a permanent electoral law expert on staff.
- **Systems of Representation:** IFES has advised the IHEC and CoR on different systems of representation, laying out various options and making pros and cons arguments for each. IHEC is not ready to examine this area without assistance.
- **Public Outreach and Voter Education:** IFES has had a strong presence in this area. While improvements have been achieved, much work remains. Please refer to question four below.

**What are the ongoing/existing capacity issues, both within and outside of IHEC, which future USAID support can address?**

As mentioned above, there are a handful of areas where the IHEC could essentially stand on its own, save for some general guidance, advisory and mentoring requirements. The evaluation team found

that all other areas, regardless of the levels of capacity in the IHEC, require continued IFES support. One of the most significant problems the IHEC has encountered is staff turn-over.

Until recently, IHEC staff were not protected under any civil servant status, thus making them vulnerable to lay-offs and ineligible for long-term employment. As a result, IHEC capacity in most areas has been continuously drained. With the approval of civil service status for IHEC employees, the capacity of the IHEC should increase and remain sustainable.

Outside of the IHEC, greater coordination with other Gol ministries and agencies would prove enormously beneficial to the conduct of electoral processes, as well as to ongoing capacity building efforts for the IHEC and its staff. In addition, open and regular lines of communication with the CoR could help avoid confusion as electoral preparations are underway.

Throughout the evaluation, PERFORM was told of instances where greater communication and better coordination between the IHEC and other Gol agencies or entities would have had a positive impact on the overall conduct of elections in the country. In both the Out of Country voting (OCV) and Special Needs Voting (SNV) components for the March 2010 process, for example, more effective communications, planning, and coordination would have significantly improved what was, otherwise, a lackluster performance by the IHEC and its staff.

In both cases, planning and preparations for these components were initiated late, too close to the March 7 election date. The delayed start in preparations, coupled with inadequate communications and coordination with pertinent Gol entities (CoR and ISF, for instance) negatively affected both components.

SNV, aimed at facilitating the participation of the ISF, the detained, hospitalized and Iraqi medical personnel, was poorly planned and lacked a proper media and civic education campaign. Coordination with the Ministries of Interior, Defense and Health, for example, was undertaken haphazardly; a clear framework for the conduct of this process was mostly absent, leaving the procedures vulnerable to inconsistencies and a lack of clarity. Given the important roles played by both the ISF and Iraqi medical personnel in the country's reconstruction efforts, proper planning would have ensured greater participation from these heroic citizens.

The OCV process also left considerable room for improvement. Although many of the deficiencies in this component emerged from politically-based issues within the CoR, greater involvement, lobbying, and/or influence from the IHEC could have positively affected the preparations for this process. Coupled with a stronger legal affairs department (see below), greater involvement and/or influence by the IHEC in the CoR's deliberations would have contributed to a more timely and effective establishment of the OCV framework.

As a result of its comprehensive program evaluation activities, PERFORM found that areas that still present challenges to the IHEC and should be addressed in future support programming are:

- **Administration:** Along with financial and human resources management (see below), PERFORM found in its evaluation that administration represents the Achilles heel of the IHEC. The administrative systems that are in place are outdated and intended for a much smaller organization. Additionally – and as has been the case throughout the IHEC – staff turn-over has affected the ability of this department to gain momentum and meet the overall needs of the organization. Both IFES and IHEC staff with whom PERFORM spoke, suggested future programming should include assistance in this area.
- **Financial Management:** Plagued by organization-wide staff turn-over, this department has also been unable to satisfactorily meet the challenging requirements of the IHEC. Particularly during an electoral preparatory phase, this department must work exceedingly well. With constant time sensitive procurement requirements, timely processing and payment is imperative. IFES and IHEC staff members with whom PERFORM spoke suggested future support should include assistance in this area.

- **Human Resources Management:** With more than 1,200 employees, the IHEC's human resources department is sorely understaffed and unsuitably trained. New systems must be put in place to effectively manage the large number of employees. Both IFES and IHEC staff with whom PERFORM spoke suggested future programming support include assistance in this department.
- **Ongoing Training for Staff/ Dedicated Training Department:** An in-house training division would prove tremendously beneficial to the IHEC. As civil servant status for IHEC employees comes into effect, a department dedicated to keeping employees current on new techniques, procedures, and technologies would ensure effective and sustained capacity building. In addition, this department could house information and training manuals for poll workers, data processors, and OCV staff.
- **Legal Affairs/ Research:** While the scope of the IHEC's legal department includes analyzing and making recommendations on matters related to the electoral law, there is no in-house electoral expertise. The IHEC's legal department deals mostly with contractual issues, human resources, and other issues related to protecting the commission's interests. A dedicated electoral law specialist/advisor would serve the IHEC and its BoC very well. In dealing with the CoR and electoral-related legislation, an in-house capacity to make recommendations and advise the BoC would make the IHEC more efficient and more independent. The head of the IHEC's Legal Affairs Department told PERFORM that an electoral law expert would be very useful to his division. Based on its overall evaluation, PERFORM agrees with the IHEC's request in this regard.
- **Coordination with GoI, CoR, and ISF:** While coordination with other GoI ministries or agencies is fairly efficient during electoral preparation phases, PERFORM believes consistent coordination and communications must be undertaken. As mentioned above, poor planning and coordination for OCV and SNV components have blemished what have otherwise been successful processes. Conjunct planning with the Ministries of Interior, Defense and Health, for example, would have undoubtedly made SNV processes more effective and efficient, facilitating the wider participation of security and medical personnel.

While PERFORM believes OCV initiatives should continue, this process must be taken more seriously by the lawmakers in the CoR, and subsequently the IHEC itself. Throughout its evaluation, PERFORM found that OCV initiatives undertaken by Iraqi EMBs have been implemented almost as an after-thought; since 2005, this component has not been given the necessary attention and care needed to make it an integral part of overall Iraqi electoral processes. This lack of attention has been reflected in the rather questionable quality of Iraqi OCV processes.

Greater coordination with the CoR to discuss and analyze the pertinent laws, and preparatory and/or exploratory meetings with the Ministry of Foreign Affairs (Iraqi embassies and consulates abroad), for example, would have substantially facilitated a more effective OCV process in the countries where OCV was held. *(Please refer to Section V, Out of Country Voting Program)*

With possible census activities and boundary delimitation initiatives in the future, the IHEC must maintain close coordination with the responsible government ministries. Also, improved coordination with the CoR would be mutually beneficial. ISF-IHEC coordination has also been acceptable, but could improve. QED believes having dedicated liaison officers would improve this area significantly.

- **Public Outreach/ Public Affairs:** While there is a relatively robust public outreach infrastructure in place, the IHEC BoC does not know how to take advantage of this potentially very useful and important resource. Without clear and effective communications strategies, the IHEC's visibility – and success – could be significantly hindered. In Iraq, as

anywhere, perception is important. External communications must be better coordinated. During the recent electoral process, different commissioners gave different information to the media, causing widespread confusion and eroding Iraqis' confidence in the IHEC.

General efforts to make information available to the public must also be improved. While substantial improvements have been made to the IHEC website, the IHEC must not neglect other public outreach efforts, including get-out-the-vote campaigns, civic education efforts, and voter education initiatives. IFES has done a superb job in this area, but now that no election is scheduled, efforts to improve the IHEC's external communications strategies, including intensive training sessions for the BoC themselves, should be undertaken.

- **Voter Registration:** While the IHEC's voter registration capacity has improved significantly through the year, the foundation for this very important data is not necessarily ideal. However, given what there is to work with, Iraq has done a very good job in utilizing the PDS and updating it periodically. That being said, this is an area that needs constant attention, assistance and support. This should be done in coordination with IT and software development efforts.
- **GEO Strengthening:** The IHEC's 19 governorate offices have proven to be absolutely instrumental in the conduct of the country's elections. IFES has undertaken GEO needs assessments and PERFORM believes similar type activities should be performed periodically. In addition, periodic training of GEO personnel should be a priority. While IFES established a satellite office in Erbil to coordinate its assistance provision to the GEOs, the costs of this facility seemingly outweighed the benefits. USAID eventually asked IFES to discontinue its satellite office. PERFORM would recommend a closer look be given to this initiative, as by all accounts, it was very successful and is today badly missed.
- **Out of Country Voting (OCV):** Please refer to Section V. Out of Country Voting Program.
- **Information Management/ Knowledge Transfer:** The frenzied pace of Iraq's electoral development has, unavoidably, left many gaps. The electoral infrastructure in the country has simply been unable to keep up with the speed in which elections have been held. Not only has staff retention been a problem for Iraq's EMBs, in this regard, information management and knowledge transfers have also faced serious challenges. For example, there were two OCV processes in 2005. When the IHEC began planning for the 2010 OCV process, it was forced to start completely from scratch. None of the experience gained in 2005 had been stored; few – if any – of the EMB staff involved with 2005 OCV were available to implement the process in 2010. Without proper management of its accumulated experience and information, and without effective mechanisms to transfer information and knowledge to new staff, the IHEC capacities will constantly be starting from the bottom.

A serious and comprehensive look must be taken at this issue. In order for the IHEC to gain expertise and learn from past successes – and mistakes – experiences must be documented and stored. The wealth of experience gained in the 2005 cycle was essentially lost. Once the IHEC was established and in place, it had few resources to review experiences and lessons learned from the previous Iraqi EMB.

- **Management:** By and large, the IHEC's top and mid-level leadership lacks any managerial experience whatsoever. Since its inception in 2005, Iraq's EMB have operated largely in crisis-mode, focused exclusively on holding various elections. Even then, it has done so with considerable international assistance. As the IHEC – and IFES – move to build the long term capacity of the organization, efforts must be made to improve the managerial capacity of the EMB's leadership. PERFORM believes future assistance in this area could greatly improve the overall functioning of the IHEC, including in the administrative, financial, and human resources components addressed above.

- **Internal Communications:** IFES has made considerable efforts at standardizing internal communications in the IHEC, establishing and building internal networks. The IHEC has yet to fully understand the advantages of these resources, relying instead on external methods, such as their own personal email accounts (Yahoo, Hotmail, Gmail, etc). Streamlining its internal communications processes will enhance the efficiency of communications within IHEC headquarters, as well as with the 19 GEOs.
- **Special Needs Voting:** Perhaps the biggest election day shortcoming for the IHEC was special needs voting (essentially, voting arrangements for the ISF). This component was organized at the very last minute and as an after-thought. Besides being poorly organized, the process was susceptible to heavy influence from Iraqi commanders, who in some cases insisted that personnel under their command voted, presumably, in favor of a particular party or candidate. QED understands the IHEC efforts in making elections accessible to every Iraqi. If this is to be continued, however, significant improvements must be made, including proper and sufficient planning timelines and improved coordination with ISF leadership.
- **IEAT/ Other International Support:** Greater coordination among support and assistance providers should be undertaken and clearer divisions of responsibility should be drawn. While initially successful (in 2004-2005) the IEAT became an inefficient and even obstructive vehicle for assistance delivery.

### **What are the historical contributions and future assistance plans of other donors to the sector?**

The IEAT, which had been the main vehicle for international electoral assistance, has largely disbanded. While it still exists, its only current members are UNAMI, UNOPS, and other UN agencies. The team's main technical contributor, IFES, left the IEAT in the fall of 2009. Despite active efforts by UNAMI to hinder IFES initiatives to establish and formalize a direct relationship with the IHEC, IFES and the IHEC signed a Memorandum of Understanding in September 2009. After UNAMI strongly expressed its displeasure with the arrangement, IFES determined it was in everyone's best interest to leave the IEAT.

Support activities from other original IEAT members, like the EU and the SSSA, have slowly tapered off. The EU had provided technical experts to work under UNAMI and SSSA had been active in designing capacity building activities, but these focused more on administrative and financial training and management support of the IECI BoC. After the 2005 election cycles, support from both organizations slowly diminished, eventually ceasing altogether.

Currently, only IFES and UNAMI have plans to continue long-term support and assistance activities to the IHEC. While both organizations will focus on capacity-building efforts, greater efforts to coordinate these activities and avoid duplication must be taken. In the past, IFES has made efforts to coordinate with the UN and share information. UNAMI, on the other hand, has been less willing and/or able to work closely together toward the same ultimate objective.

In meetings with high level IHEC officials, including the Chief Electoral Officer (CEO), PERFORM was told that while the IEAT mechanism was very successful in the 2004-2005 period, its effectiveness quickly evaporated soon thereafter. Strong displeasure was expressed about UNAMI's recent roles and quality of experts brought in to provide advice. In fact, PERFORM was told, the IHEC has been very happy since it signed a direct MoU with IFES, as UNAMI had been seemingly undermining IFES assistance efforts. Furthermore, officials told PERFORM that some of the few contributions made by UNAMI were of poor quality and unacceptable. Subsequently, IHEC asked IFES to address these areas themselves. It was the general understanding, among the IHEC officials with whom PERFORM spoke, that UNAMI's role is certainly more political; the real technical expertise and support, PERFORM was told, comes from IFES.

Regardless, as the only electoral assistance providers currently on the ground, UNAMI and IFES must coordinate its activities with IHEC and make sure the support is delivered effectively and efficiently. PERFORM believes USAID could play a helpful role in encouraging greater collaboration.

### **What are the gaps that need to be addressed?**

Despite IFES' considerable contributions and significant success, a closer look must be taken at certain areas. In general, with no elections currently on the calendar, IFES should ramp-up its efforts to provide continuous capacity building and training activities for IHEC staff, including the BoC. Taking into account IFES' historical contributions and foci in its assistance efforts, as well as those of UNAMI, there are currently programming gaps that should be filled to ensure the IHEC is as strong as the sum of its parts. These are:

- Legal Affairs and Research
- Administration
- Financial and Human Resources Management
- Information Management and Knowledge Transfer
- Coordination with GoI/CoR/ISF
- SNV
- BoC Management
- Poll worker Training

### **Program Evaluation / Analysis of IFES Programs**

IFES programming has been absolutely essential to Iraq's electoral and political development. Repeatedly, during PERFORM's evaluation of IFES' assistance initiatives, individuals involved with these efforts – either as implementing partners, or as recipients – stressed the instrumental role played by IFES. Even UNAMI – which has had, at times, a very tense relationship with IFES – agreed IFES' involvement has been instrumental. Without IFES, the PERFORM evaluation team was invariably told, none of the country's recent electoral processes could have been conducted. IFES' consistent and uninterrupted presence has also been key to building confidence within the IHEC and among Iraqi voters.

But beyond the eight elections held in Iraq since the beginning of 2005, IFES assistance has helped build from scratch an able, reliable, relatively professional and technically sound electoral administrative body. Indeed, the IECI was built and established to get Iraq through an exceptionally unique and turbulent period in the country's history. Its transitional mandate specifically outlined its role and established an ultimate goal: bringing a representative, popularly elected government to the people of Iraq. That being said, IFES' focus during that first phase of this nearly six year program was to help the temporary EMB comply with the roadmap drawn up in the TAL. Essentially, IFES heavily contributed to the provision of necessary assistance to ensure the successful completion of the 2005 electoral cycle.

Once the ambitious 2005 electoral cycle was completed and a permanent Iraqi government was in place, IFES assistance initiatives were to shift to an institutional strengthening and capacity building mode. As the IECI had met its responsibilities, the stage had been set for the establishment of a permanent EMB, the IHEC. Now that IFES had a long-term, permanent partner with whom to work, its assistance initiatives changed accordingly.

This section examines the success of IFES' electoral assistance activities and identifies the strengths and weaknesses of this support. While by most measures IFES' support has been overwhelmingly successful, PERFORM has identified areas that could be improved. On that note, PERFORM would

like to emphasize that a majority of the challenges and obstacles encountered in the implementation of this program have been external to IFES. However, the incredibly high costs of operating in Iraq demands a closer look at making this assistance more effective and efficient. By answering a series of questions outlined in the SOW for this evaluation, PERFORM hopes to assist USAID as it explores and formulates future programmatic alternatives.

### **Did the IFES program meet its stated goals and objectives?**

Of 19 modifications to its cooperative agreement with USAID, eight have included changes to its programmatic objectives. In fact, one of the key factors aiding IFES' success has been the flexibility, technical understanding and vision of USAID personnel charged with overseeing this program. Program descriptions designed by USAID for IFES involvement in Iraq have allowed for quick responses and adaptations, allowing IFES to consistently operate effectively in a constantly changing and fluid environment.

In general terms, IFES program objectives can be divided into two different, but closely linked and inter-dependent goals: assisting in the organization and conduct of elections, and building the institutional infrastructure and capacity of Iraq's EMB. In both cases, and throughout the close to six-year life of the program, IFES has been very successful in meeting its stated goals, easily surpassing its initial objectives and expectations.

However, it is important to emphasize that the work done by IFES in Iraq, has been very unique. Never before has a similar situation emerged. There has been no script to follow, or perfect formula to implement. The work undertaken by IFES – and indeed, the IEAT – has been extraordinary. In analyzing the successes of this program – and its shortcomings – PERFORM stresses the importance of taking into the account the incredibly challenging operational environment and unparalleled context in which it has been implemented.

The March 7, 2010 legislative election, which closed the electoral circle begun in 2005, speaks volumes about the incredible progress made in Iraq during that time, and also the instrumental role played by IFES. Time and again, in QED's research activities and meetings, the evaluation team was told that without IFES involvement and assistance, Iraq would not be where it is today. Eight processes have been held since 2005, including provincial level elections in 2009. The recently-elected parliamentarians will replace the representatives elected in December 2005, who have completed their four year terms. Once negotiations for formation of a government are finalized, the IHEC will have delivered to the Iraq people the first-ever peaceful transfer of power in the country's history. The historic value of this development is strong proof of this program's success.

### **Was there a direct link between the programs and sectoral changes/ improvements?**

In virtually every aspect of the IHEC's evolution and development, the IFES program has had a direct impact. IFES flexibility – thanks to a strong technical understanding by USAID personnel – has allowed it to respond quickly and frequently to the IHEC's emerging needs and requirements. IFES has been involved with almost every department or division in the IHEC, advising and providing support in areas from voter registration to website development, from field operations to systems of representation. IFES' program focus has been comprehensive and has included support and assistance initiatives to the Iraqi EMBs' most vital and essential areas. Based on the accounts of high ranking IHEC personnel, IFES support has improved the electoral commission's capacity in the following areas: voter registration, IT and software development, database development, operational planning, field operations, procurement, political entity (party) accreditation, media accreditation, public outreach (webpage), and legal analysis.

While work remains to be done in all of these – and other – areas, IFES contributions to the IHEC have been indispensable. As mentioned in other sections of this report, there are areas where IFES support has been insufficient or altogether absent. In this report, PERFORM has recommended future assistance be directed at these areas.

### **Were program objectives adequate to meet IHEC needs?**

Throughout the years, IFES' program objectives have experienced several changes. Out of a total of 19 modifications to its cooperative agreement, eight have included changes to program objectives. However, these changes have not changed or otherwise affected the integrity or spirit of the program's original objectives, namely: to support the EMB in the technical and administrative development and operational implementation of elections, and to provide elections commodities and technical support for the infrastructure development of the election administration at the national level and at the provincial level.

The 2004-2005 period was focused on devolving sovereignty back to Iraq and establishing – through direct elections – a transitional government. Without IFES technical support and assistance, this very critical period could have had a very different impact on Iraq's progress. Following the establishment of a government, IFES focus shifted toward building the institutional infrastructure and capacity of the permanent electoral commission. Not without significant challenges and obstacles, IFES' assistance has significantly contributed to the building of a relatively strong, efficient, professional, and technically sound IHEC. The recently concluded elections – and pending transfer of power – are a testament to the IHEC's success.

In an ever-changing environment, and with new and emerging requirements, IFES' program objectives have been more than sufficiently adequate to meet IHEC's evolving needs. That being said, in the process some technical areas have been given less attention or have been altogether neglected. But once again, it is important to take into account the context in which this assistance has been provided and the crisis-management mode in which much of this support has been delivered.

### **What are the lessons learned from program implementation?**

Undoubtedly, throughout of the life of this program, a series of lessons learned have emerged. While most of these lessons are positive, others are somewhat negative. Regardless, these experiences are just that: experiences that have been gained to serve as lessons on how to once again do things effectively and successfully, how to do things better, or maybe even not do them at all.

Throughout this report, PERFORM has weaved into the text recounts of history dating back to 2003, even before IFES' current electoral assistance support program began. These lessons, some of which are highlighted below, are intended to guide USAID as it explores future electoral support activities for the IHEC. Along with a series of findings and recommendations, PERFORM is providing a suggested framework for the continuation of IFES assistance initiatives to the Iraqi electoral commission. Once again, PERFORM would like to emphasize that these lessons learned, conclusions, findings, and resulting recommendations are not one-size-fits-all. The Iraqi context and experience is extremely unique. Comparisons with other countries and/or situations are less useful. Among PERFORM's findings:

- IFES' electoral support program has been instrumental in consolidating Iraqi democracy, building the capacity of the country's EMB to organize and conduct free and fair elections;
- Despite the IHEC's development and success, a robust international electoral assistance program is still necessary. IFES must remain heavily engaged;
- While the development and contents of the electoral law does not fall within the IHEC's scope, weaknesses and contradictions in the law must be addressed;
- As the IHEC continues maturing, greater attention must be focused on in-house matters, such as administration, financial and human resources management, and internal communications (both within IHEC-Baghdad and 19 GEOs);

- Insufficient efforts at coordinating roles between and among international electoral assistance providers have, at times, hindered support initiatives. IFES MoU with IHEC for direct support has increased effectiveness significantly;
- Lack of dedicated staff in areas such as OCV has had a two-fold negative impact: no institutional OCV capacity and resources taken away from the critical national preparatory process to work on last minute OCV requirements.

### **International Electoral Assistance Team (IEAT): IFES-UNAMI Relations**

Without its own mandate to provide electoral assistance to the IECI, IFES joined the UN-led IEAT as a founding member in late 2004. The team's formation and emergence happened almost organically, evolving naturally based on the realities on the ground. Grouping international electoral assistance under a UN-mandated umbrella made sense. During the critical 2004-2005 period, this relationship worked quite well. Both organizations had very talented electoral experts in their camps, and both were led by very practical, pragmatic, and confident individuals interested only in getting the job done.

Indeed, without IFES and the IEAT, the crucial 2005 electoral cycle would not have occurred. The formation of the team – although never formalized in writing – had proven to be an incredible success. But as the euphoria and adrenaline of the 2005 elections wore out, and as team members departed Iraq for opportunities elsewhere, the IEAT honeymoon ended quickly.

Since then, the IFES-UNAMI relationship has ebbed and flowed, but the effectiveness enjoyed in the early stages will likely never repeat itself. UNAMI's inability to maintain a meaningful presence in Iraq (because of security concerns), not only hindered its efforts to provide assistance, but seemed also to raise self-consciousness about their ability. On the other hand, while IFES maintained a robust physical presence in Baghdad, it could not provide direct assistance to the Iraqi electoral commission without UNAMI approval.

While PERFORM, in its research, did not detect any wrongdoing by UNAMI in its attempts to block or otherwise sabotage IFES assistance efforts, it did come across substantial anecdotal evidence of UNAMI acting in bad faith. Aggressive UNAMI attempts to undermine IFES –that were ultimately detrimental to assistance and support objectives for the Iraqi EMBs – were brought to the attention of the PERFORM evaluation team by high-ranking IHEC officials.

These same officials told PERFORM that since the signing of a MoU with IFES regarding direct technical assistance to the IHEC, support efforts have been much more effective and efficient. PERFORM was told that while UNAMI does, in fact, provide political protection, its technical contributions are lacking. Since the fall of 2009, IFES is no longer a member of the IEAT. Today, IEAT members include only UN agencies or mission.

While PERFORM understands the political legitimacy UNAMI brought to the IEAT, a formalized agreement to delineate areas of responsibility could have been greatly beneficial to the IFES-UNAMI relationship. In addition, PERFORM believes an enhanced USAID involvement could have had positive results in preserving the integrity of the IEAT. That being said, it was clear to PERFORM that with a direct and formal relationship with the IHEC, IFES assistance provision effectiveness as increased significantly.

### **Findings & Recommendations**

USAID/Iraq's assistance to the IECI and IHEC through IFES' Electoral Support Program was effective in raising the commission's capacity to oversee and implement electoral processes in the country. After beginning in 2005 with a completely inexperienced IECI and an electoral calendar that would have tested the limits of even the most seasoned electoral commission, IFES was forced in many ways to begin anew in 2007 with the advent of the permanent IHEC. Its success since that time in

developing the IHEC's capacity has been evident in the challenging 2009-2010 national electoral cycle, which is now concluding. While the IHEC has clearly made significant leaps in its technical competence and its capacity to manage the electoral process, weaknesses do remain, and ample work exists to justify a follow-on program.

Through its assessment of the IFES Electoral Support Program, the evaluation team has arrived at a series of findings concerning the strengths and weaknesses of both IFES' program and the IHEC's capacity. On the basis of these conclusions, the team has developed a series of priority recommendations which we believe will, if implemented, a) increase the efficiency of USAID's future assistance to the IHEC, and b) lead to greater technical capacity and independence for the IHEC. Because doing so will require contributions of all parties involved, specific recommendations are offered for USAID, IFES, and the IHEC.

### **Findings and Recommendations for USAID:**

**Finding:** Through the Electoral Support Program, IFES has been largely successful in increasing the IHEC's capacity to manage the electoral process.

- **Recommendation:** *Maintain IFES' robust technical assistance to the IHEC through at least the 2014 electoral cycle.* While IHEC has made significant strides since its inception in 2007, it remains a young institution in need of further capacity development before it will be able to effectively manage all facets of an electoral process on its own. IFES' role as a technical advisor to the IHEC BoC and technical staff is critical, particularly during the current period, when no elections are on the calendar; this timing presents a prime opportunity for capacity building without the intense pressure of an election period. In addition, PERFORM would suggest that another evaluation be conducted at the end of the 2014 election cycle, to once again assess the IHEC's capacity and the need for continued electoral support programming.

**Finding:** Coordination of international assistance to the electoral commission has been inconsistent, and suffered due to institutional and personal tensions between the UN and IFES.

- **Recommendation:** *Contribute to a better definition of key institutional relationships.* As mentioned previously in this report, the lack of a clearly defined institutional framework within the IEAT contributed to a decreased coherence of international assistance to the IHEC. The ambiguity of roles allowed ever-shifting personality differences to determine UN-IFES relations, and at times allowed IFES to be manipulated by its partners for political purposes. To mitigate these complications in the future, USAID should encourage the continuation of the existing MoU between IFES and IHEC and the creation of a new MoU between IFES and the UN and/or IEAT. USAID's political sway will greatly enhance IFES' ability to define an appropriate role for itself in any negotiations to this end. PERFORM also recommends the organization of periodic retreats between IFES and UNAMI to coordinate the provision of support and assistance.

**Finding:** The high rate of staff turnover at the USAID/Iraq Mission over the life of the Electoral Support Program has scattered the Agency's institutional memory of this program.

- **Recommendation:** *Build upon lessons learned through improved information management.* In order to inform the design and oversight of any follow-on assistance to the IHEC (and of future programs of this nature in other countries), USAID should develop an improved system of knowledge management for this program, in particular by compiling and organizing all documents related to the history of the program.

**Finding:** The IHEC's successful management of the latest electoral process is indicative of the institution's continued maturation and ability to manage electoral operations in the future. Any future international assistance to the IHEC that is not strictly necessary will only jeopardize the IHEC's continued growth into a self-reliant body, and constitute an unjustified cost.

- **Recommendation:** *Minimize funding of procurements for IHEC.* Early in the life of this program, IFES made good use of its Unallocated Funds pool to rapidly provide IHEC with much-needed goods and services during high-pressure election periods. While the 2005 election cycle would almost certainly have been less successful in the absence of these funds, the priority for the future of this program should be to encourage IHEC's autonomy from international assistance. In the newest phase of IHEC's development, technical expertise is the greatest asset which USAID can provide, and in order to maximize cost savings to the program and promote IHEC's ability to function independently, USAID should minimize and eventually discontinue material assistance.

**Finding:** In past election cycles, IHEC has benefited from international support while weaknesses have persisted in its own national network.

- **Recommendation:** *Encourage IHEC reliance on GEOs, and discontinue support through USAID PRTs/RRTs.* During past electoral cycles, USAID's network of PRTs and RRTs have constituted a useful support network for IFES' assistance to the IHEC, allowing for the distribution of IHEC voter education materials, the procurement of equipment for GEOs, and other forms of assistance. However, future dependence on any non-Iraqi support network is likely to discourage IHEC's transition toward self-reliance. In addition, USAID's tentative plans to scale back the existing PRT structure to a more streamlined, less prominent RRT structure in the coming months make the current model unsustainable. In the future, USAID should encourage IHEC to strengthen linkages with its GEOs and improve the efficiency of that network.

**Finding:** The electoral experience of IHEC commissioners and staff is limited to the last several years' national and local elections. When unique challenges arise, they are often caught unprepared, increasing their reliance on international advisors.

- **Recommendation:** *Provide opportunities for learning from peers in other countries.* During inter-election periods, USAID should fund international study missions for IHEC commissioners and technical staff to visit other electoral commissions and learn from their experiences. Previous missions to Spain, Mexico, and India significantly improved the capacity of IHEC members to find solutions to problems that had not arisen in Iraq's young democracy. Organizing such observation missions around the times of other countries' elections could be particularly beneficial for the IHEC to witness best practices of election management. Such study missions are an essential step in transitioning the IHEC away from its dependence on international technical assistance and toward autonomous management of the electoral process.

**Finding:** KREO is in need of technical assistance for the organization of upcoming 2010 regional council elections.

- **Recommendation:** *Allow for the reopening of a temporary IFES office in Kurdistan, to assist the KREO during the 2010 KRG elections.* A minimal office with one or two technical experts should be sufficient to assist the KREO during the upcoming elections, as requested by the KREO Director. Additional election equipment for the KREO would not be needed, because the KREO has sufficient budgetary resources to cover those costs, making the IFES office's direct expenses the only ones necessary to ensure the KREO receives the assistance it requires.

#### **Findings and Recommendations for IFES:**

**Finding:** While IHEC's operational capacity has greatly increased in the years since the commission's formation, at this point it relies heavily on its international advisors for technical matters.

- **Recommendation:** *Shift emphasis strongly toward long-term technical capacity building, particularly in IT, during the 2010-2013 inter-election period.* With the March 2010 elections complete, IFES should work to develop the long-term sustainability of IHEC technical capacity (e.g. management of voter registry databases), rather than simply responding to specific technical questions, as has been the trend during the recent intensive election periods. In addition, IFES should work closely with IHEC's Capacity Building Department to ensure that the Department has the necessary skills and systems in place to maintain IHEC's human resource base and in-house expertise in the future. The Capacity Building Department's training of temporary electoral staff should receive particular scrutiny, as the training of these workers appeared to be particularly inconsistent during the 2009-10 electoral process.

**Finding:** Persistent logistical and technical shortcomings in the IHEC's management of the electoral process are due at least in part to poor management of human and material resources.

- **Recommendation:** *Following a needs assessment, provide IHEC commissioners, department heads, and GEO directors with targeted management training.* While many of the shortcomings in previous electoral processes can be attributed to IHEC's limited technical capacity, a significant number of problems derive from insufficient management skills. It is essential that IHEC's leadership be able to effectively manage the human and material resources at its disposal, to meet deadlines, and to anticipate and effectively navigate obstacles. On the basis of a basic needs assessment, IFES should provide a series of advanced management training seminars to high-level IHEC personnel.

**Finding:** There are important lessons which IHEC can learn from the 2009-2010 elections cycle. The upcoming period without major national elections scheduled presents IHEC with an opportunity to focus more on its long-term institutional development.

- **Recommendation:** *Contribute to organization of Lessons Learned activities, followed by IHEC-led strategy development.* IFES should encourage the IHEC to organize post-election conferences to review lessons learned from electoral processes, and provide feedback to IHEC at these events to allow it to improve its performance in the future. In addition, following periods of intense electoral activity (such as the 2009-10 national election cycle), IFES should assist the IHEC leadership to review and readjust its global strategy for electoral management. While IHEC ownership of this process is essential, IFES can play an important support role by providing critical feedback on IHEC strengths and weaknesses, as well as helping the BoC to define and address its capacity development requirements.

**Finding:** Coordination is poor among IHEC's various international advisors, which at times leads to duplication of effort, contradictory advice, and other inconsistencies that hinder growth in the IHEC's technical capacity.

- **Recommendation:** *Contribute to dialogue among international advisors to the IHEC.* Although IFES is no longer a member of the IEAT, it should continue to maintain effective channels of communication with other advisors to the IHEC, most notably the UN-EAT. Periodic strategy meetings will allow for a more coordinated approach to technical assistance and capacity building, avoid duplication of effort, and increase IFES' and the other advisors' utility to the IHEC.

**Finding:** Due in part to Iraq's challenging security situation, in the past IFES has had difficulty recruiting and maintaining the presence of top talent among its Baghdad-based experts.

- **Recommendation:** *Assure the recruitment of top technical advisors.* IFES' use, at times, of "virtual teams" to circumvent this difficulty is commendable, but IFES must heed the IHEC's stated preference for on-the-ground advisors. Today, the improved security situation decreases the disincentives to working in Iraq. If IFES' program is to shift its focus wholly toward long-term capacity building (as recommended above), then the organization must

prioritize the recruitment of leading electoral advisors for field positions. If there is one component of its program in which IFES should “spare no expense”, it should be human resources based in Baghdad.

**Finding:** Although IHEC does not directly control the content of the electoral law, its weaknesses constitute a major impediment to IHEC’s smooth management of the process.

- **Recommendation:** *Continue technical support to IHEC on matters of electoral legal reform.* As leading international experts in technical electoral questions, IFES should provide IHEC with case studies and other information from other countries around the world, in order to inform its engagement with and official recommendations to the CoR on questions of electoral legal reform.

#### **Findings and Recommendations for IHEC:**

**Finding:** Coordination of IHEC’s national network of GEOs is inconsistent, and local electoral officials often lack information.

- **Recommendation:** *In the future, IHEC should work to strengthen linkages with its GEOs.* Because they are closer to the ground, IHEC’s GEOs play a critical role in implementing elections, and their mistakes and misinformation can hurt perceptions of the IHEC among local populations. Poll workers and local officials are the public face of the IHEC in their region, and providing them with proper training, information, materials, and instructions will not only significantly reduce small-scale electoral irregularities, but will go a long way in improving public perceptions of IHEC’s competence. IHEC should strengthen and streamline its means of communication with local GEO directors and staff, and improve the transfer of information, goods, and personnel through that network. Involving GEO leadership in post-election Lessons Learned activities would be a wise first step in that process.

**Finding:** IHEC staff are overly dependent upon international advisors on technical matters, particularly relating to IT.

- **Recommendation:** *Make staff capacity development an institutional priority and ensure its sustainability in the form of a strengthened Capacity Building Department.* Among its principal strategic goals, IHEC should strongly prioritize capacity development, in order to strengthen its staff’s technical skills and capacity to manage the IT requirements of electoral administration. It should identify priority technical areas where IFES and other international advisors can provide targeted training, and ensure that its own training department understands the technical processes so that it can pass that knowledge to future hires and sustain the base of expertise within IHEC. While IHEC previously lost staff at a high rate due to their status as temporary contract workers, the new civil servant status for all IHEC staff should allow IHEC to reap significant returns from this investment in its human resources.

**Finding:** Political parties and voters do not always understand the nuances of the electoral process, resulting in a high rate of complaints and challenges to election results.

- **Recommendation:** *Strengthen channels of communication with political parties, and public outreach in general.* IHEC should review its outreach practices and, perhaps on the basis of a needs assessment, request specific assistance from IFES in this area. The political party liaison at IHEC may need additional training, new information dissemination systems, and/or more staff in order to improve outreach. IHEC should continue to ensure that all relevant members of its BoC and staff benefit from IFES’ training on media and public outreach, in order to improve voter awareness and alleviate the heavy burden placed on the commission by the arduous challenges and complaints processes.

**Finding:** Although IHEC does not directly control the content of the electoral law, its weaknesses constitute a major impediment to IHEC's smooth management of the process.

- **Recommendation:** *Develop legal capacity and offer support to CoR in efforts to reform electoral legal framework.* IHEC should ensure that its Legal Department has sufficient mastery of electoral law questions to provide informed recommendations to the BoC – and, in turn, to the CoR – about needed legal reforms. Informed by its firsthand electoral management experience, the IHEC must rely on its internal legal advisors and use its political connections to push electoral legal reform in the CoR. Goals should include simplifying the electoral law, resolving contradictions within the Law, and removing or rewriting clauses that constrict the IHEC's options when managing electoral processes.

# OUT OF COUNTRY VOTING PROGRAM

## Introduction

Election processes are the largest, most complex, and most expensive technical, logistical, and administrative operations regularly carried out by democratic countries. Successful elections depend on proper and meticulous preparation of the whole election process, as well as on careful planning of all the core aspects of which it is up. For this, it is necessary to draw up an election calendar which strictly adheres to established legal guidelines. Election processes are rendered even more complicated when an attempt is made to allow citizens living abroad to exercise their right to vote, especially in countries without much experience in the matter.

Out of Country Voting (OCV) is not a new phenomenon; rather, there are about 80 countries around the world that approve this type of voting mechanism. This process presents many challenges to all interested parties, including legal, institutional, and logistical issues that in many cases require constitutional changes in the countries that have it or are interested in pursuing the matter.

OCV varies from country to country according to different legislation, the type of elections, prerequisites, and procedures. For many countries, Out of Country Voting is the result of international migration and an effort to enfranchise citizens living abroad. Globalization and the most recent immigration movements have triggered different communities living outside their country of origin to start demanding the possibility of Out of Country Voting from their new country of residence. There is a great political debate between communities living abroad and those at home on the feasibility of such a program. It is, first and foremost, necessary to accurately establish the breadth and profile of overseas voters, as significant differences in motivations and migratory qualities - between temporary workers, illegal aliens, and those with dual nationalities, for example - may exist.

Another important group to be considered is refugees who fled a conflict for neighboring countries and members of national diasporas who may have left the country for political reasons and have since settled elsewhere. Examples of post-conflict countries that have had OCV processes for refugees are Bosnia, Kosovo, East Timor, Afghanistan, and Iraq.

OCV allows those residing abroad to become active participants in the electoral process and thus to be represented in the civil and political life at home, even if they are unable or unwilling to return. This mechanism encourages external population groups to maintain links with their home communities and enables them to participate in the creation of an environment to which they may return safely and resume productive socio-economic lives.

It is also necessary to take into consideration the type of elections to be conducted in any Out of Country Voting program. According to a study done by the Federal Electoral Institute of Mexico a few years ago, four different voting modalities were identified: a) Federal/ Presidential elections; b) Local elections; c) Federal/Presidential and local elections; and d) Only consultations/referenda.

This is a complex issue and the challenges and costs could be enormous; however, it is important to look into case studies from various countries that have already studied and legislated on the matter, which is not the case of Iraq since the country has had two out-of-country experiences (2005 and 2010). State powers, political parties, academics, non-governmental organizations, and the diaspora are the main entities that usually are involved in the debate on Out of Country Voting. These same

entities should also opt for final decisions to approve or disapprove the Out of Country Voting implementation project.

Election logistics covers elements which are essential for exercising the right to vote, focusing specifically on the issues of accessibility, freedom, opportunity, and, obviously, the right to a secret ballot. Election logistics takes into account aspects relating to electoral legislation and administration, as well as administrative regulations and the responsibilities shared by the institutions involved in preparing elections. Planning issues include voting term and a needs assessment on electoral logistics.

The logistical framework for recruiting and training those involved requires a large amount of human resources and include the following logistical areas:

- Voter Registration and Advertising Campaigns;
- Voter Education;
- Identification of Polling Stations and Security thereof;
- Identification and Training of Members of Vote Receiving Committees;
- Logistics and Administrative Assistance on Polling Day, and;
- Polling and Transmission of Results

### **January 2005 Elections (OCV I)**

On November 2004, the IECI and the International Organization for Migration (IOM) signed an agreement to conduct an OCV program enabling the Iraqi diaspora to participate in the 2005 TNA elections. IFES was also an important component of this OCV program and partnership. The Iraq OCV program secured agreements with the governments of 14 countries selected by the IECI to host the voting due to the size of Iraqi populations. Australia, Canada, Denmark, France, Germany, Iran, Jordan, Netherlands, Sweden, Syria, Turkey, United Arab Emirates, United Kingdom, and the United States participated in the recruiting, training and deploying of over 7,000 registration and polling staff, of which 90 percent were Iraqi.

The International Mission for Iraqi Elections (IMIE) deployed 16 country coordinators and 365 short-term monitors to oversee the pre-election period, registration, polling and counting phases of the elections, and in most countries it fielded at least one monitor for every two polling stations. All IMIE monitors completed quantitative and qualitative assessment forms for the registration, polling and counting components of OCV.

On January 17, 2005, 74 registration centers opened in 36 different cities across the 14 target countries. On January 25, IOM conducted the voter registration process, registering 280,303 Iraqis. Polling was conducted between January 28 and 30, and when the polls closed a total of 265,148 (93 percent) had casted their ballots. Out of 25,809 voters in the United States, 10,543 were women. Throughout the 14 countries, the percentage of female voters was an average of 36.92 percent. This was a major first step in enfranchising women and encouraging them in their civic duty, a major step toward empowerment.

In total, representatives of 59 international observer groups and embassies, 120 domestic observer groups, 99 political entities and 1,313 media outlets were accredited to observe the registration, polling and count processes across the 14 countries. In addition, IECI monitoring teams were deployed to all 14 countries where OCV operations were implemented.

## **December 2005 Elections (OCV II)**

The success of OCV I created high expectations among voters and the government of Iraq that the IECI would conduct an OCV II for the December 2005 Council of Representatives elections. Iraqis living abroad were enfranchised by the elections law of Iraq, approved by the Transitional National Assembly on September 12, 2005.

In late October 2005, the IECI decided to conduct an Iraqi-led operation with minimal international assistance. The program for OCV II was to be loosely based on the operational plans for the previous OCV and included the following key features:

- Two new countries were added (Lebanon and Austria), and one was omitted (France – due to low turnout in OCV I);
- Three days of “in-person” same-day registration and voting using the national ballot;
- The voter list created during OCV I in January 2005 was not used;
- Voters were free to vote at any polling centre or station;
- Voters were required to produce documents to establish identity, age and Iraqi citizenship (this could be achieved with a single document such as a passport); and
- Arrangements specific to each country (memoranda of understanding, or MOUs – for example, concerning security and visas) would be negotiated by the Iraqi embassy and the IECI.

For OCV II, the IECI established 560 polling stations and 94 polling centers in 48 cities and 15 countries. The IECI secretariat and all of the IECI country offices were fully staffed by early December 2005, with a total core staff of 370 people. In addition to core staff, 4,500 polling station staff and 1,130 polling center staff were recruited from a pool of experienced staff, with 50 to 75 percent having previous OCV experience. Voters were registered and cast their ballots in polling stations the same day of the elections. Official results released by the IECI on January 20, 2006, indicate that 298,383 votes were cast. The average levels of blank ballots (0.37) percent and invalid votes (0.64 percent) were quite low by international standards and indicate a well-informed electorate.

The budget for Iraq’s OCV I operations was fairly large (US\$92 million transferred to the IECI by the Iraqi Interim Government at the time) and in many ways money was used to mitigate the time constraints on the operations. Security was a main concern and the threat of violence extended to the OCV operations. A considerable part of the budget went to efforts to ensure security at the polls. During OCV II, the cost was reduced significantly to around US\$15 million. This process was mainly managed by the Iraqi election authorities with technical support from UN and IFES.

In summary, the Iraqi electoral administration body made the decision to enfranchise their external voting populations very late in the process. This complex program had to be set up in approximately two months—an extremely tight timeline. With the Independent Electoral Commission of Iraq already challenged to run their respective in-country elections, the decision was made to contract a strategic partnership between IOM (OCV I) and IFES to assist in both OCV programs in 2005. Due to the time constraints, the program was led by large numbers of international electoral experts (OCV I) and this unfortunately gave Iraqis little opportunity to build their capacity to manage the process themselves in future elections.

## **March 2010 Elections (OCV III)**

The 2010 Iraq Out of Country Voting program was mainly organized by the IHEC. This program once again enabled Iraqis residing outside of Iraq to register and vote in the CoR election. The IHEC requested and received limited support from UNAMI and from IFES on this specific program. Both

the UN and IFES deployed advisors to OCV headquarters in Erbil as well as to all OCV country offices. Given USG funding restrictions, IFES did not provide assistance to the IHEC OCV office in Iran.

The IHEC, just like its predecessor EMB, experienced logistical constraints due to the delay in the OCV electoral framework caused by ongoing procedural developments. This has been the case in all previous organizations of OCV programs, but this time the cost (according to some sources) was very similar than the OCV II. The IFES 2010 OCV support program was US\$5.5 million.

Similar to the 2005 OCV II process, the 2010 OCV process used the same day registration and voting procedure. Registration and voter turnout was 278,359, of which 228,007 were determined eligible to vote. Voters were distributed in 16 countries around the world in 50 cities, 119 polling centers and 675 polling stations. For the 2010 OCV exercise, host country selection was also based on demographic information. Selection required a minimum estimated number of 20,000 Iraqis living in-country and that the countries indicated through the Iraqi Ministry of Foreign Affairs that they would consent to the conduct of the OCV. The estimation of Iraqis in each country was difficult due to the absence of reliable data, and there were wide variations in the estimates provided by a number of different sources. There was a degree of discussion with political parties that also helped on the identification and prioritization of countries they believed was important to include.

The 16 countries where OCV took place during the March 5, 6 and 7 of 2010 elections were: Austria, Australia, Canada, Denmark, Egypt, Germany, Iran, Jordan, Lebanon, the Netherlands, Sweden, Syria, Turkey, the United Arab Emirates, the United Kingdom, and the United States. OCV voters were allowed to vote for their governorate of origin and the IHEC required proof of citizenship and documentary evidence of origin by showing or submitting at least two documents (a combination of Iraqi and foreign documents).

Whereby the January 2005 OCV I operations was conducted by the IOM (on behalf of the IEI), in accordance with the new election law, the IHEC conducted the OCV III operations for the 2010 Council of Representatives, demonstrating a marked increase in capacity according to the various people and organizations interviewed by the QED team during the recent election evaluation exercise. The OCV II (December 2005) was organized by the IEI, with some support of the international community.

During the time the QED team visited and conducted the evaluation process in Iraq, final results and analysis of the OCV III were not available. The majority of the information was obtained through the IHEC web page and based on the interviews held in Washington, DC and Iraq (Baghdad and Erbil).

## **Conclusions/Findings**

Based on the parameters established by USAID, this evaluation has focused on the March 2010 OCV process. While PERFORM has included information related to the 2005 OCV initiatives, this is intended only for background and comparative purposes. The findings and conclusions listed below relate only to the March 2010 process.

- **Eligibility of Voting and Voter Registration:** IHEC applied strong measures in document requirements to minimize attempts of fraud. As a result, this proved to be a significant point of dissatisfaction among potential voters who felt disenfranchised when unable to produce the required documents to satisfy the eligibility criteria. According to IFES' reporting, this was the case in all of the 16 countries where IHEC conducted the OCV. Pre-registration of voters is essential to the integrity of any electoral process, particularly in the case of external voting. Identifying eligible voters is always a main concern as we cannot assume that residence indicates eligibility. Potential voters need to demonstrate their status using

approved documents (IHEC has been very flexible and they used at least 12 documents that were valid or that supported the identity of any given person living abroad). The solution is a permanent registration process abroad in order to review each voter's address in advance, rather than at the last minute.

- **Get-Out-the-Vote and Civic/Voter Education:** Public information campaign had varied between OCV I and OCV III due to funding and short organization time frame. Some of the weaknesses on the get-out-the-vote versus civic/voter education campaigns was that the invitation to vote was given more priority than providing specific information on the location of polling places, required documents and how to vote issues.
- **Voter Turnout:** In 2004, IECI estimated the number of Iraqi voters abroad at about 4 million. IOM's estimate was more conservative and calculated a figure of 1.3 million. To date, there are no accurate data on the Iraqi diaspora. Since 2004, UN electoral advisors had opposed OCV and continue to do so because of the complexity of the task, as well as the expense. For the OCV I, 280,303 expatriate Iraqis registered and around 265,000 voted. The turnout was then around 94 percent. In conclusion, voter turnout should only be based on registered and not on estimated voters.
- **Personnel Training:** The PERFORM team was told that procedures manuals were drafted in order to train and assist IHEC personnel, but the manuals were said to have a number of omissions and conflicting instructions. At the same time, the training of trainers was adequate on areas such as registration, polling and less on counting procedures and packing materials. According to some of IFES' post-election reports, in some OCV countries IHEC staffers were well prepared and in others they lacked adequate training since they not comply with training requirements or did not attend the pre-election mock exercise suggested by IFES.

## Recommendations

On the basis of the above-listed findings and conclusions, the evaluation team makes the following recommendations for future OCV assistance programming in Iraq:

- **Voting Documents:** Issues with documentation requirements to meet eligibility criteria resulted in several incidents between IHEC staff and potential voters. IHEC needs to make this a more expeditious process in order to reduce the tensions in the polling centers and stations in the different countries where OCV takes place and let Iraqis register by using their passport and/or one Iraqi document. The IHEC should also address the issue of Assyrian and Kurdish Iraqis disfranchisement, where in some countries their documents were not recognized by the polling authorities. It is recommended to review the present electoral law, and to include a focus on this matter of voting documents. Proof of "residency" in a governorate is a complicated issue as the voter registry is relatively new and people who have lived outside of the country for many years no longer have residency status in Iraq.
- **Same Day Registration:** It is recommended that the pre-registration of voters take place with ample time before polling-day (at least 2-3 months before). This way, IHEC will avoid time consuming procedures due to registration and polling for voters on the same day. Since OCV is not mandatory, only the people who really want to participate will make the effort to travel separately for registration and another day to vote.
- **Get-Out-the-Vote and Civic/Voter Education Campaign:** Public outreach is a vital aspect of the credible and smooth operation of any elections for OCV programs. In order to participate on polling day, eligible Iraqis abroad need to be aware of their right to vote in their host country, what documents to bring with them on polling day, and how to

accurately mark the ballot. A variety of informative public outreach materials in different mediums and an engaging website will help make this possible. Development appropriate and locally produced public information for voters, and make it available in Arabic, Kurdish and the host country language.

- **IHEC Personnel Training:** Personnel and staff training has always been one of the key elements of a technical assistance program. As a result of effective training, staff become more confident in their jobs and are better able to perform their specific roles. The main objective of this program is to be able to build sustainable capacity to conduct OCV operations in the future and hopefully, IHEC will understand that maintaining their trained personnel is key for their future success, not only on the OCV program but for all institutional activities.
- **OCV Not a Separate IHEC Activity:** The OCV program and the rest of IHEC's electoral activities should work simultaneously and within a consistent framework. In the future, the OCV program should be treated as part of the whole IHEC process and not as a separate activity. The main issue here is coordination. OCV should be treated as part of the electoral calendar and not a different event. Pre-registration processes and all other logistical activities abroad should start ahead (or at least at the same time as) the local process, but this has not been the case for any of the three OCVs organized to date. Instead of being treated as an afterthought, OCV processes should be taken more seriously, given more resources, and should remain in place.
- **Preparation and Identification of OCV Countries:** IHEC should avoid organizing the OCV process at the last minute. OCV nations should be selected with ample time based on registered voters and not on estimated potential voters. In the meantime, it is proposed that IHEC maintains the same number of countries (16) that have had OCV programs. The logistics experience and the OCV in those 16 countries has already been proven and it will not be recommended or beneficial to reduce or eliminate that number. It would be counter-productive to eliminate the right to vote to those citizens who have already had three opportunities to participate and vote abroad in the recent past. Voter registration abroad (embassies and consulates) should be permanent and not only when elections will take place, this way the IHEC can plan in advance the logistical needs in each of the 16 countries chosen. We need to stress the fact of inclusion and maintain at least the present 16 countries in order to improve and strengthen the current process. IHEC sets the numbers of places and they will reassess the number of countries versus cost. In-house analysis of OCV performance and what areas need to be strengthened are the main areas the IHEC needs to concentrate on in the future. Since the Iraqis will be in charge of organizing these elections, USAID can support this process on a very limited basis. The principle of democracy is participation of its citizens in electoral processes (the more are included, the better), so eliminating countries is not recommended. This will reduce IHEC's logistical procedures since the local authorities of those countries are familiar with the work involved in preparing an Iraqi OCV election, but IHEC should make a greater effort to establish written agreements with the host governments regarding security, customs and duties, banking, facilities, etc. in order to guarantee a smoother organization of the OCV event in the selected countries. Over the years, the cost of this exercise should significantly be reduced due to the familiarity of the process and the less bureaucracy it will need in order to organize these events.
- **Other OCV Procedures:** IHEC should also consider embassy voting and/or voting by mail procedures that are also common practice by other countries around the world, in order to increase the participation of Iraqis living outside the original 16 countries.
- **Learning Curve and "Graduating" Time:** After three OCV activities, IHEC should be increasingly capable of performing all OCV functions. IHEC should retain all institutional memory thanks to the assistance received by IFES and UN technical

advisors. Lessons Learned exercises can assist IHEC in improving future electoral events by highlighting the successes and challenges of previous OCV operations. IFES has provided assistance to the IHEC on a broad spectrum of areas and IHEC is now in a better position to successfully conduct future OCV operations on its own. In the future, IFES could provide minimal OCV technical assistance to IHEC's OCV headquarters office and eliminate all OCV host country assistance to IHEC staff.

# ANNEX A: FOCUS GROUP SUMMARY

The ultimate beneficiaries of USAID/Iraq's assistance to the IHEC are the Iraqi people – the voting public who require a competent electoral administration in order to see their vote count. Thus, in order to assess the election commission's development over the past six years, the evaluation team made a special effort to gauge public perceptions of the IHEC by relying on a local PERFORM data collection partner. A series of focus groups were organized that were designed to provide a window into Iraqi attitudes about the IHEC, its personnel, and its management of the electoral process.

Within the limited timeframe of this evaluation, the team sought to gain a sample of opinions which – while not representative in a statistically significant sense – would nonetheless offer an illustrative view of Iraqi citizens' perspectives. Between May 2 and May 5, 2010, IRI held focus groups in four different locations: Erbil (North), Baghdad (Central/East), Fallujah (West), and Basra (South). In composing the groups, the data collectors attempted to capture a cross-section of Iraq's diverse society, including members of different age groups, genders, religious groups (Sunni Muslim, Shi'a Muslim, Christians, etc.), and ethnicities (Arabs, Kurds, Armenians, Assyrians, Chaldeans, etc.), while also covering a range of educational levels and socioeconomic levels.

As per the evaluation team's instructions, facilitators posed the following questions to stimulate group discussion:

## **Pre-Election Process**

1. How did you learn how and where to register to vote?
2. Did you know where your polling station was located? Did you know what you needed to do to vote on Election Day?
3. During the Campaign Period, were candidates able to communicate their political platforms freely?

## **Election-Day Process**

4. Were you aware what documentation you needed to show in order to vote?
5. Were poll workers knowledgeable about voting procedures? Did they know their responsibilities?
6. How well did poll workers perform their duties on Election Day?
7. How long did you wait in line to vote on Election Day?
8. Were you aware that Iraqis living abroad were able to vote?
9. Are you aware that final results were posted outside of your polling station? Did you personally see the results?

## **Post-Election Process**

10. Were election results communicated by the IHEC within a reasonable time frame?

## **Independent High Electoral Commission**

11. What do you know about the Independent High Electoral Commission?
12. Do you consider the IHEC an independent body or are they controlled by the government?
13. Does the IHEC receive assistance from any international organizations? If so, which organizations? Or do they work without any foreign assistance?
14. Do you think the IHEC organized the March 2010 elections well?
15. Do you think the IHEC provided an effective awareness campaign for these elections?
16. What is your perception of the IHEC's management of the current recount process?
17. How do you compare between the IHEC's performance in the recent elections and its performance in previous elections?

The evaluation team received brief reports on each focus group, summarizing the responses of participants. The feedback from these focus groups was instrumental in informing the evaluation findings presented in this report. In particular, the focus groups uncovered problems with voter registration, location-specific polling day irregularities, dissatisfaction with delays in the electoral process (particularly announcement of results), concerns about IHEC's political independence, and an overall sense that – while not perfect – the IHEC's performance improved markedly from 2005 to 2010, and remains better than many other electoral bodies in the region.

With the assistance of a translator, evaluation team members able to observe the focus group held in Erbil.

# ANNEX B: ELECTORAL SUPPORT PROGRAM MODIFICATION HISTORY

In the context of the 2001 CEPPS Leader with Associates Agreement (DGC-A-00-01-00004-00), USAID awarded IFES a \$40 million Associate Cooperative Agreement (267-A-00-04-00405-00) in September 2004 for “Electoral Technical Assistance to the Independent Electoral Commission of Iraq (IECI)”. Since that time, the program has undergone 19 modifications. Those modifications which altered the budget, program end date, or objectives are listed below.

Mod. # (Date)	Mod. Budget	Modified Objectives
Initial award (Sep 01, 2004)	\$40 mil.  (Duration: Sep 01, 2004 to Jan 31, 2006)	<ul style="list-style-type: none"> <li>• Support the institutional development of the IECI and the implementation of the electoral processes required by the TAL through the provision of international election specialists;</li> <li>• Provide material support to the IECI through the provision of office equipment, election commodities, and support services contracts when and if IFES is able to provide such support more efficiently than the United Nations or the IECI itself.</li> </ul>
#03 (Sep 12, 2005)	\$41 mil.	<ul style="list-style-type: none"> <li>• Support the IECI and its election administration in the technical and administrative development and operational implementation of the full transitional election cycle(s);</li> <li>• Provide election commodities and technical support for the infrastructure development of the election administration at the national, governorate and sub-governorate levels.</li> </ul>
#04 (Jan 16, 2006)	“ ” (No cost extension to Jun. 30, 2006)	<ul style="list-style-type: none"> <li>• Support the IECI and its election administration in the technical and administrative development and operational implementation of governorate/municipal election cycle(s);</li> <li>• Build capacity for the IECI at the national, governorate and sub-governorate levels.</li> </ul>
#05 (Jun 22, 2006)	“ ” (No cost extension to Sep. 30, 2006)	<ul style="list-style-type: none"> <li>• Support the IECI /, and/or its successor, as it becomes a permanent and sustainable institution;</li> <li>• Support the IECI with any election operations required during the period of this no cost extension;</li> <li>• Identify improvements for future electoral processes, including improvements in the legal framework;</li> <li>• Support donor and diplomatic assistance to the electoral process;</li> <li>• Develop plans for sustainable permanent voter registry maintenance.</li> </ul>

Mod. # (Date)	Mod. Budget	Modified Objectives
#06 (Sep 28, 2006)	\$51 mil. (Cost extension to June 30, 2007)	<ul style="list-style-type: none"> <li>• Support the Iraqi electoral management body (EMB) as it becomes a permanent and sustainable institution;</li> <li>• Support the Iraqi EMB with any election processes required during the period of this project;</li> <li>• Identify improvements for future electoral processes including improvements in the legal framework;</li> <li>• Support donor and diplomatic assistance to the electoral process;</li> <li>• Develop plans for sustainable permanent voter registry maintenance.</li> </ul>
#08 (Jun 24, 2007)	\$81 mil. (Cost extension to Dec. 31, 2008)	(Same objectives as previously, except all references to “Iraqi EMB” are replaced by “IHEC”).
#14 (Mar 10, 2008)	“ ”	<ul style="list-style-type: none"> <li>• Provide continued technical support to build IHEC capacity to meet its operational requirements;</li> <li>• Provide capacity building and assistance to the GEOs;</li> <li>• Provide technical support for the drafting of electoral rules and regulations;</li> <li>• Advise the IHEC in development of a poll workers’ manual and other instructional materials for lower-level election management bodies;</li> <li>• Support the IHEC as it prepares a voter database;</li> </ul>
#15 (Sep 13, 2008)	\$102,671,539 (Cost extension to Dec 31, 2010)	<ul style="list-style-type: none"> <li>• Provide technical support to the IHEC to meet operational requirements and become a sustainable institution;</li> <li>• Provide capacity development and assistance to GEOs;</li> <li>• Provide technical support for the legal framework for elections;</li> <li>• Provide an analysis of lessons learnt from the 2008-2010 election cycle;</li> <li>• Provide limited emergency support for procurement of commodities and services for IHEC.</li> </ul>
#19 (Dec 29, 2009)	“ ”	(Same objectives as previously, except third objective reads “Provide technical support to the electoral regulatory environment”).

# ANNEX C: SOURCES

In addition to information gathered through its interviews and focus groups, the evaluation team relied on the following sources during the course of this evaluation:

## **Documents Issued by CPA**

- Law of Administration for the State of Iraq for the Transitional Period (Mar. 8, 2004)
- Order 92: Independent Electoral Commission of Iraq (May 31, 2004)
- Order 96: Electoral Law (Jun. 15, 2004)
- Order 97: Political Parties and Entities Law (Jun. 15, 2004)

## **Documents Issued by IECI/IHEC/GoI**

- Constitution of Iraq (October 2005) (AP translation)
- Constitution of Iraq (January 2006) (UNAMI translation)
- Draft Constitution of the Iraqi Kurdistan Region (Jul. 2009)
- Draft Law: Elections Law of the Governorate, Districts, and Sub-Districts Councils (Aug. 2008)
- Election Law for 2010 Parliamentary Elections
- Elections Law (2005) (UNAMI translation)
- Elections Law Amendments (Dec. 9, 2009) (UNAMI translation)
- IECI Operational Plan: Iraq National Elections of 30 January 2005 (Dec. 2004)
- IECI Regulation 01/2004: Rules of Procedure of the Board of Commissioners
- IECI Regulation 11/2004: Media
- IECI Regulation 12/2005: Electoral Offenses
- IECI Regulation 13/2005: Polling and Counting
- IECI Regulation 15/2005: Adjudication of Complaints
- IECI Regulation 16/2005: OCV Polling and Counting
- IECI Regulation 17/2005: Seat Allocation
- IHEC Fact Sheet on Registration for Absentee Voting for Internally Displaced Persons in Governorates not part of the Kurdistan Region (Jun. 25, 2008)
- IHEC Fact Sheet on the Voter Registration Update (Jun. 25, 2008)
- IHEC Fact Sheet on Registration for Absentee Voting for Internally Displaced Persons in the Governorates of the Kurdistan Region (Jun. 26, 2008)

- IHEC Fact Sheet: Collecting Signatures for the Proposed Referendum in Basra (Dec. 12, 2003)
- IHEC Fact Sheet: Electoral Code of Conduct: Kurdistan Iraqi Parliament (KIP) and Presidential Elections (May 19, 2009)
- IHEC Fact Sheet: Legal Framework of Kurdistan Iraqi Parliament (KIP) Elections 2009 (May 17, 2009)
- IHEC Fact Sheet: The IHEC (2010)
- IHEC Fact Sheet: Voter Registration Update for Kurdistan Iraqi Parliament and Presidential Elections (May 17, 2009)
- IHEC Procedures: Registration and Certification of Candidates for Iraqi CoR Elections 2010 (Sep. 2009)
- IHEC Regulation 02/2008: Electoral Complaints and Disputes
- Law 11/2007: Law of the Independent High Electoral Commission

### **Documents Issued by IFES**

- Briefing Note: Council of Representatives Voter Registration Update Exercise (Aug. 24, 2009)
- Council of Representatives Election Composite Report: Iraq (Feb. 20, 2006)
- Draft IECE Needs Assessment (Apr. 15, 2005)
- Elections in Iraq: Operational Concept and Cost Estimate (Dec. 20, 2003)
- Final Activity Report: Iraq Out of Country Voting Implementation – USA (Mar. 2006)
- Iraqi Public Distribution Assessment: Preliminary Report (Mar. 14, 2004)
- Memorandum: Discussion Document between IFES and UN-EAD (Nov. 8, 2006)
- Memorandum of Understanding between IHEC and IFES (Apr. 2009)
- Out of Country Voting (OCV) Program Weekly Reports 1 through 7 (Jan. - Mar. 2010)
- Quarterly Reports: Electoral Support Program (Sep. 2004 - Mar. 2010)
- Quarterly Report: Out of Country Voting Program (Jan. - Mar. 2010)
- Report on IFES Election Law Team (Apr. 11, 2008)
- Weekly Highlight Reports (Sep. 2008 - Mar. 2010)

### **Documents Issued by United Nations**

- Capacity Building Assessment Report: Independent Electoral Commission of Iraq, 12 November - 19 December 2006 (UN-EAD)
- IEAT Situational Reports 38 to 229 (Feb. 2006 - Apr. 2010)
- Iraq: Electoral Fact Sheet (UN-EAD) (2005)
- Iraq Election Planning: Timeline Considerations (UNAMI Political Affairs Office Background Papers Series) (Apr. 2007)

- Report of IHEC Commissioner Nomination Process: Observations and Conclusions (UNAMI/Electoral) (Apr. 26, 2007)
- UNAMI Focus: Voice of the Mission News Bulletin. Special Edition: Iraq's Parliamentary Election (Issue 42, Feb.-Mar. 2010)

### **Documents Issued by USAID**

- CEPPS Associate Cooperative Agreement #267-A-00-04-00405-00: Electoral Technical Assistance to the IECI (Sep. 1, 2004)
- CEPPS Associate Cooperative Agreement #267-A-00-10-00003-00: Out of Country Voting (Jan. 12, 2010)
- Iraq Governorate Council Elections 2009 (USAID presentation) (Feb. 17, 2009)
- Modifications of Assistance #01 through #19 to CEPPS Associate Cooperative Agreement #267-A-00-04-00405-00: Electoral Technical Assistance to the IECI (Sep. 2004 - Oct. 2008)

### **Documents from Other Sources**

- Final Report: Deepening Our Understanding of the Effects of US Foreign Assistance on Democracy Building (Finkel, Pérez-Liñán, and Seligson) (Jan. 28, 2008)
- Final Report: Effects of US Foreign Assistance on Democracy Building: Results of a Cross-National Quantitative Study (Finkel, Pérez-Liñán, and Seligson) (Jan. 12, 2006)
- Final Report for Political Process Assistance Evaluation (Prepared for USAID by International Business & Technical Consultants, Inc.) (Dec. 13, 2005)
- Final Report on Iraq Elections, March 2010 (International Election Monitors Institute)
- Iraq's Uncertain Future: Elections and Beyond (International Crisis Group Middle East Report No. 94) (Feb. 25, 2010)
- Iraqi National Election, January 2005 (Iraqi Election Information Network)
- Iraqi Views of the Political Situation (US Department of State, Bureau of Intelligence and Research, Office of Research) (Jul. 2008)
- Report for Congress, March 2005 (Congressional Research Service)
- Report to Congressional Committees: Rebuilding Iraq: US Assistance for the January 2005 Elections (US Government Accountability Office) (Sep. 7, 2005)
- Strategic Review of USAID/Iraq Democracy and Governance Programs: An Assessment of Political Change and Prospects for Advancement of Democratic Governance in Iraq (Lippman and Jennings) (USAID/ Iraq PSS and The QED Group, LLC) (Mar. 8, 2009)
- Survey of Iraqi Public Opinion (International Republican Institute) (Oct. 2004)

### **Internet Sites**

- ACE Electoral Knowledge Network (<http://aceproject.org/>)
- Electoral Information Network (<http://www.iraqiein.org/engmen/>)
- Global Justice Project (Iraq: <http://www.gjpi.org/>)

- IFES (<http://www.ifes.org>)
- IFES Election Guide: Iraq (<http://www.electionguide.org/country.php?ID=104>)
- IHEC (<http://www.ihec.iq/English/default.aspx>)
- IHEC: Out of Country Voting (<http://www.ocv-ihec.org>)
- International Mission for Iraq Elections (<http://imie.ca/>)
- Iraq's Parliamentary Elections 2010 ([http://docs.rferl.org/enUS/iraqelections/iraq\\_elections\\_home.html](http://docs.rferl.org/enUS/iraqelections/iraq_elections_home.html))
- Kurdistan Regional Government (<http://www.krg.org/?lngnr=12>)
- Kurdistan Parliament (<http://www.perleman.org/Default.aspx>)
- Kurdistan Region Presidency (<http://www.krp.org/eng/articles/default.aspx>)
- Mapping the Iraqi Election (<http://style.org/iraqielection/>)
- Shams Network (<http://www.sun-network.org/index.php?l=3>)
- Tammuz Organization for Social Development (<http://www.tammuz.net/english/elections-e.htm>)
- UNAMI (<http://www.uniraq.org/>)
- USAID: Democracy & Governance ([http://www.usaid.gov/our\\_work/democracy\\_and\\_governance/](http://www.usaid.gov/our_work/democracy_and_governance/))

# ANNEX D: EVALUATION TEAM

## BIOGRAPHIES

### **Luis A. Sobalvarro | *Team Leader***

Luis A. Sobalvarro has more than 15 years of experience working on democracy strengthening initiatives throughout the world. Focusing on electoral and political development assistance, he has designed, developed, managed and implemented related programs in more than 15 countries in Latin America, the Caribbean, the Middle East, North Africa, and Asia. Mr. Sobalvarro has served as a staff member in several international organizations, including the International Republican Institute (IRI), the International City and County Management Association (ICMA), and IFES. In addition, he has undertaken numerous consultant assignments for the Organization of American States (OAS), the Inter-American Development Bank, (IADB), the United Nations Development Program (UNDP), and the Inter-American Human Rights Institute (IDH). Throughout his career, Mr. Sobalvarro has observed 30 electoral processes in more than 20 countries, gaining a wide perspective on electoral systems and international best practices. He has also provided technical guidance and advice to EMBs in Latin America and the Middle East. Mr. Sobalvarro holds a B.A. in International Affairs and Economics from The American University in Washington, D.C.

### **Patricio F. Gajardo | *Deputy Team Leader***

Patricio F. Gajardo has over 18 years' experience working as an electoral and democracy programs for international organizations and companies including Accenture, Department for International Development (DFID), IFES, the Organization of American States (OAS), and USAID. In his 13 years of working at IFES, he held a variety of positions, including Regional Director for the Americas and Election Advisor for the Americas. He has managed numerous electoral, governance, and civic education programs, primarily in Latin America, and has participated in over 50 election observation missions in the Americas and Europe in the course of his career. Mr. Gajardo received a B.A. in International Relations and Latin American Studies from the California State University, Chico.

### **Andrew G. Farrand | *Project Manager***

Andrew G. Farrand holds a B.S. in Foreign Service from Georgetown University, with specific regional concentrations in Africa and the Middle East. He has nearly five years' experience in program design, implementation, and evaluation in the fields of democracy and governance, education, and vocational training. He previously worked on elections and political party programs as a member of the National Democratic Institute's Central and West Africa team, and most recently oversaw the launch of a major adult literacy program at the Millennium Challenge Account implementing agency in Morocco. Mr. Farrand has studied and worked in several countries in the region, and is proficient in Arabic.

# ANNEX E: USAID RESPONSE TO IFES PROGRAM EVALUATION REPORT RECOMMENDATIONS

## **USAID/Iraq Responsibilities and Procedures for Technical Team Response to Evaluation/Assessment/Study Recommendations**

Evaluations/Assessments/Studies are an important management tool, and there needs to be careful consideration of evaluation/assessment/study recommendations as a basis for management decisions.

All USAID/Iraq evaluations/assessments recommendations are required to have a Technical Team response. The response should start off with brief comments on the findings and utility of the report, setting the tone for the remainder of the response. The technical team should then address each recommendation using the following format:

### **General Comments on the Report**

USAID/Iraq's Democracy & Governance Office found the report and the subsequent recommendations extremely useful. The final report is well written and has provided a substantive basis for the next phase of USAID's electoral support programming. USAID intends to incorporate as many of the report recommendations as feasible and realistic into both the ongoing program as well as the follow-on programming. While some of the recommendations are outside of USAID's range of influence, such as the international study missions, USAID has not found any points of disagreement with the report or the recommendations.

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