

Memorandum of Understanding

between

**The European Commission on behalf of the European
Community (European Union)**

and

**The Joint Electoral Management Body of the Islamic
Republic of Afghanistan**

**Concerning the observation of Provincial and Legislative
Elections, 18 September, 2005**

The Joint Electoral Management Body of Afghanistan and the European Commission on behalf of the European Community (European Union)

Considering

- that the Minister of Foreign Affairs of the Islamic Republic of Afghanistan, His Excellency Dr Abdullah Abdullah has invited the European Union to observe provincial and legislative elections due to take place on or about 18 September, 2005
- that the European Commission, in consultation with the Member States of the European Union, has accepted the invitation to observe the elections and that an EU Election Observation Mission (EU EOM) is ready for deployment;
- that the Islamic Republic of Afghanistan is signing with the European Commission on behalf of the European Community (European Union) a Memorandum of Understanding containing respective rights and obligations in connection with the above mentioned elections (document attached)

Hereby agree on the following arrangements for setting up a European Union Election Observation Mission

The present agreement applies to the provincial and legislative elections

- The EU EOM and its members will maintain strict impartiality, objectivity and independence in the conduct of their mandate. In particular, all EU EOM observers will abide by the Code of Conduct for European Observers (attached). EU EOM observers will not interfere in the electoral process.
- The Joint Electoral Management Body of the Islamic Republic of Afghanistan will provide the EOM with any assistance required for the implementation of the mission's mandate, in accordance with the laws in force in the Islamic Republic of Afghanistan and the terms of the present agreement.
- In the framework of their observation mandate, the members of the EU EOM will enjoy freedom of movement throughout the country, without the need for prior permission or notification. They will have freedom of access to all political parties, candidates and election officials, as well as representatives from civil society and voters.
- The European Commission will inform the Joint Electoral Management Body and the Ministry of Foreign Affairs of the number of observers deemed necessary to guarantee a credible observation of the entire electoral process and the names of all EU observers.
- All members of the EU EOM will be accredited by the Joint Electoral Management Body of Afghanistan without discrimination. Some of the EU EOM observers will be deployed on well in advance of Election Day, to allow them to follow the administrative preparation as well as the election campaign. Some observers may remain in country to follow the election process until it is completed, including the announcement of official results and the processing of complaints and appeals.

- All members of the EU EOM will receive in a timely manner the prescribed identification issued by the Joint Electoral Management Body of Afghanistan proving their accreditation.
- The Joint Electoral Management Body of Afghanistan will guarantee to the EU EOM and its members freedom of access to all bodies of the electoral administration as well as to all relevant information on the electoral process during the whole period of its presence in the Islamic Republic of Afghanistan
- On polling day and thereafter, the Joint Electoral Management Body of Afghanistan will guarantee the EU EOM, its members, including assistants, freedom of access, at any time, to all polling stations and counting centres, and all bodies of the electoral administration, in order to observe voting and counting procedures, as well as the aggregation and tabulation of results.
- The EU will nominate a Chief Observer and a Deputy Chief Observer who will lead the EU EOM. The Chief Observer, or in case of absence the Deputy Chief Observer, will be the only representative authorised to make public comments and statements on the electoral process on behalf of the EOM throughout the whole duration of the mission.
- The EU EOM will give to the Joint Electoral Management Body of Afghanistan a copy of the EU EOM Statement of Preliminary Findings and Conclusions, which will be issued after Election Day, and a copy of the EU EOM Final Report which will be issued some weeks after the declaration of the final results.

For the European Commission on behalf of the European Community (European Union)

Karl Harbo,
Head of Delegation


9/7/2005
Charge d'affaires

For the Joint Electoral Management Body of Afghanistan

Bismillah Basmil
Chairman


07/07/2005