



**PRELIMINARY STATEMENT OF THE NDI INTERNATIONAL ELECTION
OBSERVER DELEGATION TO THE MAY 5, 2005
PALESTINIAN LOCAL ELECTIONS**

Jerusalem, May 6, 2005

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to the May 5, 2005 Palestinian local elections. The delegation included election and democracy experts from Canada, Cambodia, Croatia, Ecuador, Georgia, Morocco, Northern Ireland, Norway, The Philippines, Romania, Serbia & Montenegro and the United States and was led by Mac Harb, former Member of Parliament and current Senator in Canada, and Bjarte Tørå, former deputy Member of Parliament and International Secretary of the Christian Democratic Party of Norway.

The delegation to the May 5 local elections is part of NDI's comprehensive monitoring of Palestinian election processes, which is supported by the US Agency for International Development (USAID). To date, the program has included international observation efforts of the September-October 2004 voter registration process, the December 2004 West Bank and January 2005 Gaza local elections, and the January 2005 presidential election. The Institute also plans to monitor the upcoming legislative elections, as well as all subsequent rounds of local elections. Statements and final reports from all previous delegations are available on NDI's websites, www.ndi.org (English) and www.ndi-wbg.org (Arabic).

The delegation was composed of 4 long-term observers and 28 short-term observers. Long-term observers have been present in the electoral areas since the beginning of the official campaign period and will remain on the ground through the final vote tabulation and any dispute processes. Short-term observers were present for the final days of the election campaign, election day and the vote count. In addition to observing voting and counting procedures in more than 100 polling stations, the delegation held meetings with candidates for local office, political party officials, representatives of the Higher Committee for Local Elections (HCLE), representatives of the news media, civic and community leaders, and domestic monitoring organizations.

The purposes of the delegation were twofold: to demonstrate the international community's continued interest in and support for the development of viable democratic institutions that will enable Palestinians to freely choose their leaders and representatives; and to provide Palestinians and the international community with an impartial and accurate assessment of the election process and the political environment surrounding the election to date. The delegation conducted its assessment on the basis of international principles for election observation, comparative practices for democratic elections and Palestinian law.

This statement does not constitute a conclusive assessment of the election process, given that the final official tabulation of results is not complete and that any electoral complaints that may be lodged will require monitoring through their completion. Once these processes are completed, the Institute will release a final report of all its findings.

The delegation recognizes that ultimately it will be the Palestinian people who will judge the quality of the election process.

SUMMARY OF OBSERVATIONS

The election was contested vigorously and administered fairly. A number of political organizations, parties, factions and independent candidates competed in these elections, offering voters a choice among distinct points of view.

Election day was orderly and generally peaceful. The process was characterized by the following positive developments:

- A mostly orderly administration of the election, conducted by officials who performed in a generally professional manner
- Clear improvements in the organization of voting by the HCLE, including assigning a smaller number of voters to each polling station and bringing in queue controllers to create a more efficient voting process
- Large numbers of Palestinians who came out to cast their votes

Election day, however, was not without problems, including the following:

- Scattered incidents of violence and tension among large crowds in some areas, which forced some polling stations to close temporarily
- Abuse of provisions for assisting illiterate voters by some party agents and election officials
- Aggressive campaigning in and around polling centers by candidates and factions, despite regulations prohibiting such activities 24 hours before an election

BACKGROUND

On May 5, 2005, elections were held in 84 localities in the West Bank and Gaza. More than 400,000 voters were eligible to cast ballots to select 906 members of local councils.

This was the second round of local elections to be held in Palestinian electoral areas since 1976. The first round of local elections was held in two parts: the first part was held on December 23, 2004 in 26 districts in the West Bank, and the second part was held on January 27, 2005 in 10 districts in the Gaza Strip. Local elections for all other districts are scheduled to take place in one or two subsequent rounds, anticipated for later this year.

The elections were administered by the Higher Committee for Local Elections, a body established under the authority of the Ministry for Local Government, an institution of the Palestinian Authority (PA). Under the terms of the current law on local elections, the HCLE will exist to oversee local elections for one year, after which it will dissolve and its responsibilities will be transferred to the Central Election Commission (CEC), a separate, independent body currently administering national elections and the national process of voter registration.

In addition to being an important democratic and technical exercise, these elections were also a significant political event. The political landscape in the West Bank and Gaza has largely been dominated by the leading Fatah movement for decades. This has been particularly true since the establishment of governing institutions in the mid-1990's as part of the Oslo

Agreement and the related peace process. A number of Palestinian factions, most notably the militant factions such as Hamas and Islamic Jihad, did not recognize these agreements or the institutions they established, and therefore did not contest elections for legislative office. This left the government of the Palestinian territories almost entirely in the control of Fatah.

In 2004, a number of factions that had not previously competed in elections, most significantly Hamas, announced the intention to contest the local elections. This created an entirely new dynamic and very real competition for Fatah for the first time in years. These same organizations have since indicated that they will also stand in legislative elections, currently scheduled for July 2005. The local elections have therefore become a test of each organization's electoral capabilities and strength among the voters, largely in anticipation of legislative elections. The contest between Hamas and Fatah was intense, particularly in the Gaza Strip.

THE ELECTORAL CONTEXT

Legal Framework

The local elections were administered by the Higher Committee for Local Elections (HCLE), established by the Ministry for Local Government. The basis of the HCLE's work is the Law for Election of Local Councils of 1996¹ and its amendments, which were passed in December 2004. These amendments authorize the HCLE to assume the responsibilities of the Central Elections Commission (CEC) for a period of one year for local elections only, until the end of 2005. The CEC is the national election administration body established in 2002.

Other sources of legal documentation for the implementation of local elections were: HCLE procedural decisions, manuals outlining procedures for exhibition and challenges of the voters list and polling and counting on election day.

Election Administration

The HCLE has clearly made important efforts to improve its operations, technical processes and overall performance since the first round of local elections. Examples include:

- Hiring of polling station managers and queue controllers to better manage the voting process
- Allocating a smaller number of voters to each polling centers, creating a more efficient process and less crowding inside voting areas
- Further limits on assistance to illiterate voters, so that one individual should technically only be able to help one illiterate voter cast a ballot
- Regulations requiring at least one female commission member in case women voters have to remove veils to prove their identities
- Increasing the number of voting screens to provide greater privacy to more voters
- Improvements in sharing responsibilities with the CEC, e.g., in this round of elections the HCLE used the CEC's semi-transparent ballot boxes and received a data update from the CEC on the registered voters list

¹ Law no. 5 of 1996

- Better efforts to coordinate with police and security agencies regarding their roles in the electoral process

Some of these policies were enacted in the second phase of the first round of local elections, which took place in Gaza in January 2005. Their expansion and repetition in the May elections insured an even smoother and more efficient process.

However, the campaign period and election day also demonstrated that there is still a need for greater institutionalization of the HCLE's procedures and their consistent application, as well as greater transparency and accountability for the body's decision-making mechanisms. To date, many of the decisions of the HCLE have been made in an arbitrary manner without proper documentation, dissemination or legal record.

One result of these practices is that procedures are often applied in an inconsistent manner in individual electoral areas, as there is no regulatory framework for guidance or reference. In this election, for example, candidates in some areas complained that it was difficult to obtain information on the legal requirements for the nomination and registration of candidates.

Additionally, there were a number of problems with the HCLE's administration of the voter list and its processes for determining and challenging eligibility to vote in the local elections. For example, the chair of the District Election Commission (DEC) for Bethlehem unilaterally removed the names of tens of thousands of individuals from the civil registry list for the area, reducing its size to from about 32,000 to about 6,000 individuals.

While the authority of an election official to rework the list in such a manner is highly questionable, the individuals who were deleted from the list had limited recourse to protest. Election officials were supposed to contact these individuals to let them know that their names had been removed and give them two days to respond and challenge the act. It is unclear what percentage of such a large number of voters was actually contacted with sufficient time to respond, though the delegation is unaware of any formal complaints or appeals that were filed.

On election day, NDI observers noted that by the close of voting, only 74 people had voted in the special center assigned to those whose name had been removed from the list. Approximately 300 people were left outside, still unable to find their names on the list and cast their ballots.

CAMPAIGN ENVIRONMENT

Campaigning by Candidates and Factions

The campaign period began on April 21, 2005 and ran for 13 days. A number of political organizations, parties, factions and independent candidates competed in these elections, offering voters a choice among distinct points of view.

Campaign activities were conducted in most areas without significant impediments. Most candidates interviewed by the delegation indicated they were able to campaign without restrictions. Because most activities took place within localities and did not require much travel, there were fewer concerns about freedom of movement than in a national election.

However, election officials, candidates and political activists in many areas had to restrict the timing and movement of their activities to conform to opening and closing times of checkpoints and limits on permit hours.

The campaign atmosphere in the days preceding the elections was generally positive, and became almost celebratory in some areas. For the most part, candidates avoided inflammatory attacks on one another; many candidates were reluctant to engage in direct debate. Campaign forums organized by local non-governmental organizations and community groups largely consisted of candidates presenting their platforms and answering questions from members of the public.

Most campaign activities in the weeks leading up to the election consisted of informal gatherings with influential family and community members, often in private residences. Campaign efforts also included displaying large numbers of party flags, banners, posters, graffiti, marches, and cars driving through the streets broadcasting campaign slogans and music over loudspeakers.

In some localities, there were disagreements between opposing parties over where banners, posters and other campaign paraphernalia would be placed. NDI received complaints that in parts of Gaza, competition for public space to hang banners and signs became confrontational, with groups of armed supporters clashing at night. Significantly, the election law requires the HCLE to identify specific areas of public space where campaign communication materials can be posted, which was not done.

ELECTION DAY

With a few exceptions, election day was orderly and generally peaceful. As noted above, the HCLE made a number of improvements to its election day procedures, which resulted in a more efficient system of processing and facilitating voting. Observers found election officials to be generally professional and eager to perform their duties well.

Security and Crowd Control

There was clearly better coordination between election officials and security forces in these elections. A few problems were reported, mainly concerning poor management of the crowds that gathered and stayed in the festive atmosphere outside of polling stations, as well as scattered incidents of armed security officers entering polling stations without the clear invitation of the polling station manager.

There were also a number of incidents of violence and tension among large crowds outside of polling stations, particularly in Gaza. At least two polling stations in Gaza and one in Tulkarem were forced to close temporarily until the situation calmed. In the West Bank village of Attarah, 20 masked men reportedly entered two polling stations and destroyed three ballot boxes as votes were being tallied.

However, observers generally found that security officials were well briefed and trained in their election day duties and played a supportive role in facilitating the voting process.

Abuse of Assistance to Illiterate Voters

In past elections, provisions allowing assistance for illiterate voters have been used by some party agents to coach voters and influence their ballots. The HCLE attempted to address this abuse by placing restrictions on the number of voters any individual can assist to one, i.e., one helper could only assist one illiterate voter on election day.

These restrictions, however, were not enforced in all polling stations. In fact in some areas, observers witnessed not only party agents engaging in this practice, but in several stations election officials were involved in coaching voters who said they were in need of assistance.

Active Campaigning

Observers also reported that aggressive campaigning continued in and around polling centers on election day, despite legal regulations prohibiting such activities 24 hours before an election. Some election officials requested assistance from Palestinian security forces to prevent such activities in the entrance to and inside the polling stations; others did not attempt to address it.

THE NATIONAL DEMOCRATIC INSTITUTE

The National Democratic Institute for International Affairs is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

The delegation expresses its gratitude to all with whom it met and who facilitated its work.