



**PRELIMINARY STATEMENT OF THE NDI INTERNATIONAL ELECTION
OBSERVER DELEGATION TO THE SEPTEMBER 29, 2005
PALESTINIAN LOCAL ELECTIONS**

Jerusalem, September 30, 2005

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to the September 29, 2005 Palestinian local elections. The delegation included election and democracy experts from Canada, Croatia, Bulgaria, France, Italy, Romania, United Kingdom and the United States and was led by Kevin Devaux, Member of the Legislative Assembly of Nova Scotia (Canada).

The delegation to the September 29 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, January and May 2004 West Bank and 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 website, www.ndi.org.

The delegation was composed of 3 long-term observers and 12 short-term observers. Long-term observers have been present in the electoral areas since the registration of candidates 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 50 polling centers, the delegation held meetings with candidates for local office, political party officials, representatives of the Higher Commission for Local Elections (HCLE), representatives of the news media, civic and community leaders, and domestic monitoring organizations.

The purpose of the delegation was 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 generally peaceful and orderly, conducted by officials who performed in a generally professional manner. A large number of Palestinians voted in these elections.

Election Day, however, was not without problems, the most significant again being abuse of the provisions for assisting illiterate voters by some party agents and election officials. NDI observers reported aggressive campaigning in and around polling centers by candidates and factions, despite regulations prohibiting such activities 24 hours before an election

BACKGROUND

On September 29, 2005, voting was held in 82 districts out of 104 in the 3rd round of electoral process. In 22 districts there was no voting. In 21 districts only a single list was registered, and in Beit Iksa no list of candidates was registered so the HCLE decided to distribute mandates without voting. 2479 candidates were competing in these elections, while voters on Elections Day voted for one of the 321 registered lists with total 2275 candidates. About 140,000 voters were eligible to cast ballots to select 823 members of local councils out of 1027 available.

This was the third round of local elections to be held in Palestinian electoral areas since December 2004. 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. The second round was held on May 5 in 84 districts in the West Bank and Gaza Strip. Local elections for all other districts are scheduled to take place in one or two subsequent rounds, anticipated for later this year or early next year. Municipal elections had not been held since 1976.

The elections were administered by the Higher Commission 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 exists to oversee local elections to the end of 2005, 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 2004, a number of factions that had not previously competed in elections, most significantly Hamas, announced their 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 January 2006. 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 ELECTORAL CONTEXT

Legal Framework

The local elections were administered by the Higher Commission 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 and August 2005. Changes in the legal framework in August and September, in the midst of the electoral process posed the most significant challenge for electoral administration. Amendments introduced a completely new elections system, switching from "block vote" and individual registration of candidates to a proportional system and registration of party lists. This imposed completely new requirements to candidates and factions, leaving them no time to develop a strategy or possible coalition agreements between small parties for these elections. A threshold of 8 percent² is unusually high and is *de facto* preventing small parties competing effectively. In addition, religious and gender quotas were another source of confusion for candidates and factions. Interpretation of the quota requirements by the HCLE came very late and factions struggled with adequate composition of their lists and order of candidates.

Election Administration

In previous rounds of local elections the HCLE has clearly made important efforts to improve its operations, technical processes and overall performance. However, because of the changes in the elections system and Israeli withdrawal from Gaza and parts of Jenin governorate, the HCLE was struggling to administer elections. The third round was characterized by extralegal changes of the elections calendar and decisions of the HCLE with no legal bases, such as:

- Delay in registration of candidates
- Cancellation of already scheduled districts in Gaza Strip and Jenin governorate without setting a new date
- No date for revote of districts participating in the second round as ordered by courts
- Compilation of the Primary Voter List earlier than the stipulated legal date

¹ Law no. 5 of 1996

² Initially 10 percent

- Update of the Final Voters List after “Exhibition of and Challenges to” the Preliminary Voters List and
- Cancellation of voting in districts with registered single list of candidates

Positive decisions and solutions adopted in the second round were implemented in the 3rd round, such as:

- Cancellation of the Civil Registry as a source for the records in the Preliminary Voters List
- Hiring of polling station managers and queue controllers to better manage the voting process
- Increasing the number of stations within polling centers, creating a more efficient process and less crowding inside voting areas
- 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 and
- Better efforts to coordinate with police and security agencies regarding their roles in the electoral process

The overall administration of the electoral process demonstrated that the HCLE urgently needs to institutionalize its election administration procedures and apply them consistently, as well as provide 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 by District Elections Commissions in an inconsistent manner, with no comprehensive legal framework for guidance or reference.

CAMPAIGN ENVIRONMENT

The campaign period began on September 15, 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.

While campaign activities were conducted in most areas without significant impediments, recent arrests by the Israeli military of candidates, campaign managers and members of electoral administration influenced campaigning. 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.

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.

Campaigns had significantly more of a factional character than campaigns in previous rounds. 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.

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

A few problems were reported, mainly concerning poor management of the crowds that gathered 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.

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 the HCLE attempted to address coaching of voters 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. In the instructions issued to the polling staff in the 3rd round, the HCLE abolished assistance to illiterate voters, relying on factions to provide information to their supporters about how to vote. However, on the morning of Election Day, the HCLE changed this decision and instructed District and Polling Commissions to allow assistance by first or second degree relatives.

These restrictions, however, were not enforced in all polling stations. NDI observers reported violations of these rules in many areas. This form of assistance is considered coaching of voters - influencing voters choice by supporters of the specific list.

Active Campaigning

Observers also reported instances of aggressive campaigning 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.

Observation

Parties and factions deployed their agents throughout the West Bank, covering most of the polling stations. Non partisan civil organizations deployed significant number of observers, although their coverage varied from district to district. The most visible presence was of Jahud and Al-Lod observers, followed by Local Committee for Election Observation and Civic Forum. Party agents and non partisan observers were allowed to observe the voting and counting process without restrictions.

THE NATIONAL DEMOCRATIC INSTITUTE

The National Democratic Institute for International Affairs is a nonprofit organization working to strengthen and expand democracy worldwide. Through 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.