



**PRELIMINARY STATEMENT OF THE NDI INTERNATIONAL ELECTION  
OBSERVER DELEGATION TO THE DECEMBER 15, 2005  
PALESTINIAN LOCAL ELECTIONS**

*Jerusalem, December 16, 2005*

**SUMMARY**

Once again yesterday, Palestinians demonstrated their enthusiasm for the democratic process when local elections were held in 40 municipalities. The elections were energetically contested and generally peaceful, orderly, and adequately administered. Voter participation was high. In many localities, election day had a festive atmosphere as individuals and communities celebrated their first chance to choose their local leaders in decades. The results of these elections, if fairly tabulated and presented, should be considered a fair representation of the desires of the electorate.

The problems on election day related mostly to campaigning, sometimes quite intense, around polling stations, something that is prohibited by law on election day. There were also instances in which voters were assisted by others to vote not in accordance with the law.

Unfortunately, public enthusiasm for local elections, which began in December 2004, has not been matched by the quality of election administration. During the four rounds of local elections so far, there has been a pattern of inconsistency, lack of transparency, arbitrary or opaque decision-making, informal and haphazard communication of rules, and failure to meet sensible administrative deadlines by those charged with administering the local elections. This threatens to undermine the public's confidence in democratic practices.

The NDI observation delegation reiterates the view, widely shared in the international community, that many of these issues will be ameliorated or substantially addressed by the transfer of responsibility for local elections from the Higher Commission for Local Elections (HCLE) to the Central Elections Commission (CEC) which already administers presidential and parliamentary elections. The CEC has established a record of professionalism and expertise that has given the international community confidence it can address many of the difficulties we have identified in the administration of local elections.

## **ELECTION DAY**

Election day was relatively uneventful. There were no reports of violence. Voting was brisk in most areas, but generally not so brisk as to overwhelm polling officials.

There were, however, some exceptions, notably in the Jenin area, where voters and party agents overcrowded several polling stations and created a chaotic atmosphere. Campaigning outside polling stations was very intense, particularly by supporters of the Islamic list. There were also some instances of party agents assisting more than one voter, in violation of the law.

The irregularities that were observed were largely localized. In many localities, however, partisans of contending lists, mostly associated with Hamas and Fateh, milled about near many polling station, usually displaying faction colors and slogans. In some cases, loudspeakers were used to encourage support. In several instances, individuals entered polling station wearing their faction colors, though there were no examples of more overt campaigning observed inside polling stations.

Under existing legislation, any campaigning on election day is prohibited. However, there are no attempts of which we are aware to curb this activity. The law should either be enforced or changed.

As in earlier rounds, there were problems in some areas because of lax enforcement of rules regarding assistance to illiterate voters. In Tulkarem, for instance, some people were allowed to assist more than one voter, and their names were not always recorded, both violations of the law.

## **ELECTION RULES**

In each of the four rounds of local elections so far, there have been substantial changes in the system of choosing representatives and reporting results. While not in itself a cause of unfairness, it is a potential source of confusion for an electorate relatively new to democratic processes. The system adopted in round one was replaced in round two, and amended again in rounds three and four. The result is that voters in neighboring localities may have chosen their municipal leaders according to quite different principles. The appearance of arbitrariness this creates is not helpful to the development of a democratic political culture.

In the fourth round, candidates were nominated as members of a list in which candidates were ranked. Voters indicated their support for one of the lists nominated in their area. Although these lists were not, for the most part, presented under the names of major national factions such as Fateh or Hamas, for example, they could be designated as such, either “officially” or “unofficially”, on their nomination forms or in discussions with election officials.

The successful candidates were chosen by a system of proportional representation known as the Sainte-Laguë method. Any list falling below 8% of the vote was eliminated. Total votes for each of the remaining lists were divided by odd numbers (1,3,5, etc.) and the resulting quotients ranked. Candidates were elected based on these rankings.

While eminently fair in theory, the system is not intuitively understood. The NDI observer delegation found that not only voters, but many candidates and organizers had difficulty understanding, much less explaining this system. Clearly, if it is to be retained, a substantial public education campaign is necessary. If voters do not understand the system, they may be less inclined to accept results that displease them.

This was the second round of local elections in which the “list” system of nominating candidates was employed. There is no requirement or expectation in law or principle that lists in local elections associate themselves with nation factions such as Fateh, FIDA, PPP or others. Indeed, few have done so in their choice of names to appear on the ballot. Though this poses no particular difficulty for local voters, it has challenged the HCLE, which is pressed by Palestinian and international media to give a summary of results across all localities according to faction affiliation.

To address this challenge, the HCLE allowed lists to associate themselves with a faction on their nomination papers. It further attempted to distinguish between “official” and “unofficial” lists through discussion with faction officials where more than one list presented itself with the same affiliation. As a practical matter, this was mostly an issue with regard to lists wishing to associate themselves with Fateh, of which there were frequently two or more in the same locality.

The difficulty with the method of faction identification adopted by the HCLE is that it is *ad hoc* in nature. Since there is no political party law, there is no legal basis that would authorize anyone to award “official” status to a list. Nor is there any process, other than an arbitrary one, which might allow election officials to do so. The existence of rival lists, identified with the same faction, but labeled without a transparent process as “official” or “unofficial” is confusing to voters. Moreover, it undermines the development by the factions of authoritative internal processes and policies which would assist voters in the longer term to make meaningful decisions in elections.

## **VOTERS LISTS**

Although there have been some improvements in the accuracy of voters lists, serious problems persist. In some localities, candidates and their supporters did not obtain a final voters list until very close to Election Day. This rendered them useless, or nearly so, for campaign purposes.

More seriously, in many cases, the HCLE continued to change the voters lists even after the completion of the Exhibition and Challenge process. This effectively nullifies the lawful and orderly addition and deletion of names on the voters lists.

The result of such administrative lapses may go beyond preventing some voters to exercise their rightful franchise or allowing others to vote when they should not. The result may be to expose an election to being overturned in the courts, causing the disfranchisement of an entire locality and the fuelling of resentments about the electoral process.

## **ELECTION ADMINISTRATION**

The HCLE deserve credit for organizing four rounds of local elections in exacting circumstances. The result of their efforts is that many Palestinians have had a direct role in democratically choosing the political leaders of their communities for the first time in many decades.

Unfortunately the HCLE continues to operate without many basic features of transparency, formalization, procedural legality and administrative consistency. It is not clear when the HCLE meets or by what procedures it reaches its decisions. Those decisions themselves are not adequately formalized, codified, or embodied in legal form. In many cases, decisions are communicated only as instructions to District Election Commissions, making them difficult if not impossible for voters or candidates to examine, much less challenge.

In this round of local elections, many of the District Elections Commissions that execute the directives of the HCLE were hastily or only partially formed at the outset of the election period. There is no consistent, professional administrative practice for the operation of the DECs.

Under the existing law, the HCLE will relinquish administration of local elections at the end of 2005 in favour of the CEC. The NDI observer delegation reiterates its strong conviction that many of the difficulties observed in the operation of the HCLE and DECs will be substantially improved by this change in administration and advises strongly against any attempt to alter or delay this provision of the law.

In saying this, the NDI observer delegation recognizes that the Ministry of Local Government will continue to have important responsibilities in relation to local elections even after the handover to the CEC. We believe that the sound execution of these responsibilities is also crucial for raising the standard of local elections. These include:

- The development and publication of a clear protocol for deciding when elections will be called in each locality
- The development and publication of a clear protocol for deciding when and under what circumstances an election that has been called can be interrupted, postponed or cancelled
- The development and execution of a transparent process for defining local government districts
- The adoption and publication of a consistent formula, related to population, for determining the number of council seats in each locality

## **POSTPONED AND CANCELLED ELECTIONS**

The NDI observer delegation notes with grave concern that no date has been set for a replacement round of elections in Rafah, Al Burej, Beit Lahiya and Anata. The failure to set a date is in defiance of a court order resulting from irregularities in election procedures when elections were originally held in these jurisdictions on May 5. The failure to set the date for re-running these elections deprives the citizens of these communities of their democratic right to choose their municipal leaders.

The NDI observer delegation also notes with concern that no date has been set for elections in Hebron after their elimination from this fourth round. Criteria for setting a new date should be clearly stated and a date set as soon as possible.

## **SECURITY**

The climate of insecurity in both the Gaza Strip and West Bank continues to impede the democratic selection of leaders, as it does so many other aspects of political, social and economic life.

In general, Israeli authorities cooperated in allowing election officials to conduct their work, though there were exceptions. The recent attack in Netanya and resulting increase in Israeli military activity particularly in Jenin and Nablus, disrupted the movement of residents in the days immediately before the polling and on voting day. Some local candidates and their organizers complained about travel restrictions though, naturally, these were less onerous than they might be in a legislative or parliamentary election. Israeli military activities and arrests may have disrupted some campaign activities and one candidate from an Islamic list was reported to have been arrested by Israeli forces. There appeared to be a lull in Israeli military activity on election day in many of the localities where voting was being held.

Violence and the threat of violence associated with the Fateh primaries may have had an effect in inhibiting some candidates or campaigns, though there were no specific reports to this effect. The willingness of some factions, or groups associated with them, to use violence to promote their electoral success, or to protest their lack of success – and the failure of Palestinian security forces to curb these actions – are a serious threat to the flourishing of democratic processes.

## **BACKGROUND**

On December 15, 2005, voting was held in 40 districts in the fourth round of Palestinian local elections. 1319 candidates, belonging to 174 registered lists were on the ballots. About 140,000 voters were eligible to cast ballots.

In the districts of Al-Mughyer (Jenin) and Burqa (Nablus) elections were scheduled but not held because only one list of candidates was submitted, and the council seats were filled by acclamation. In Al Araqa (Jenin) only a single list was submitted but was rejected because it did not meet the women's quote requirement.

In Hebron, elections were originally scheduled for December 15, but were cancelled by the HCLE, citing security reasons. No future date for elections has yet been set for Hebron.

This was the fourth round of local elections to be held 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. The third round was held September 29, 2005 in 82 districts. Local elections for all other districts are scheduled to take place in at least one further round, expected in 2006.

These are the first Palestinian municipal elections since 1976. The elections to date have been 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 Fateh for the first time in years. These same organizations have since indicated that they will also stand in legislative elections, currently scheduled for January 25 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.

## **NDI MISSION**

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to the December 15, 2005 Palestinian local elections. The delegation included election and democracy experts from Australia, Belgium, Canada, Croatia, France, Germany, Ukraine, the United Kingdom, and the United States. It was led by Paul Adams, Executive Director of EKOS Research Associates and member of the faculty of Journalism and Communications at Carleton University, Ottawa, Canada.

The delegation to the December 15, 2005 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 of the September-October 2004 voter registration process, local elections in West Bank and Gaza held in December 2004 and January, May, September and December 2005, as well as the January 2005 presidential election. The Institute also plans to monitor the upcoming legislative elections, as well as all remaining rounds of local elections. Statements and final reports from all previous delegations are available on NDI's website, [www.ndi.org](http://www.ndi.org).

The delegation was composed of 4 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 60 polling centers (out of 110), 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 choose their leaders and representatives freely; and to provide Palestinians and the international community with an impartial and accurate assessment of the election process and the political environment surrounding the elections 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.

***For more information please contact:***

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