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Preface

In the Roadmap to a permanent Two-State Solution to the Israeli-Palestinian Conflict, democratic and transparent elections in the Palestinian Territories were stated as crucial elements towards a final and comprehensive settlement of the Israeli-Palestinian conflict. The parties called upon the Palestinians to hold elections as soon as possible and in the context of open debate and transparent candidate selection/electoral campaign based on a multiparty process.

The PLC Election 2006 follow the January 2005 election of the President of the Palestinian Authorities (PA) and series municipal elections held since 2004. The PLC Election 2006 was at first predicted to take place in 2000, but was rescheduled several times.

The European Union Election Observation Mission (EU EOM) was present in the West Bank and Gaza since 13 December 2005 by an invitation from the Central Election Commission (CEC) of Palestine. The Mission was led by Chief Observer Véronique De Keyser from Belgium, Member of the European Parliament. The mission consisted of observers from 23 EU Member States as well as Norway, Switzerland and Romania. The EU EOM was also joined by a 27-member delegation from the European Parliament led by Mr. Edward McMillan-Scott, MEP of the United Kingdom.

This report is based on the observations of the Norwegian long term observers (LTOs) from pre-election, Election Day and post-election stage, as well as four Norwegian short term observers (STOs). In addition observations made by other observers from the The European Union Election Observation Mission (EU EOM) to the West Bank and Gaza 2006, as well as a more comprehensive analysis of the election will be available at this web-site: http://www.eueomwbg.org.

The Norwegian Centre for Human Rights / NORDEM
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Introduction

In 1993, the Israel-PLO Declaration of Principles was signed in Washington, based on the mutual recognition of Israel and PLO. The Declaration of Principles stated that Israel would withdraw from the Gaza Strip and Jericho followed by further withdrawals in areas of the West Bank within five years. During this period, the PLO formed the "Palestinian Authorities".

In spite of the agreement, Palestinian suicide bombings and Israeli "targeted killings" in addition to the expansion of Israeli settlements, continued. In 2000, the Camp David II summit ended in a failure of the Palestinian-Israeli talks over East Jerusalem. In 2002, Al-Aqsa Martyrs started suicide attacks inside Israel followed by Israel’s re-invasion of most of the West Bank. February 2005 the Israeli Prime Minister, Ariel Sharon, and the Palestinian leader, Mahmoud Abbas, agreed on a ceasefire.

In the Roadmap to a permanent Two-State Solution to the Israeli-Palestinian Conflict, the accomplishment of democratic and transparent elections were acknowledged as a key element towards a comprehensive settlement of the Israeli-Palestinian conflict.

The 25 January 2000 elections to the Palestinian Legislative Council (PLC) can in general be described as an open and fairly-contested electoral process. The voter participation turnout was 77 per cent of the total number of registered voters. The election was efficiently administered by a professional and independent Palestinian Central Elections Commission (CEC). Public trust in the independence and efficiency of the CEC seemed to be very high. The polling at 25 January was carried out efficiently and in a peaceful way. Procedures were well-followed by polling staff and domestic observers and candidate representatives were present in almost all polling stations.

The confrontation with Israel and the occupation set however the main conditions for the election. During the 2000- Intifada Israel targeted Palestinian Authorities (PA) facilities and demanded a disarmament and demobilization of PA Security forces.

In addition to the Israeli occupation also internal relations and conflicts affected the PLC election. The political system, with a high degree of conflicts compounded by the use of force, faced problems in establishing integrity. Family ties, informal networks and armed militias challenged the formal political institutions and the social stability in the area.

The campaign can be described as calm and the tone between candidates as positive with little hate- rhetoric. The campaign was influenced by restrictions by Israeli authorities, especially, restrictions on the freedom of movement which during the campaign caused substantial problems for the candidates. Especially in East Jerusalem candidates were challenged where arbitrary restrictions on campaigning imposed by Israeli authorities led to a number of arrests.

The political scene prior to the PLC Election was characterized by a weakened legitimacy for Fateh and PA. Armed conflicts within the Fateh umbrella made it difficult to shape an overall political platform and a unified approach before the election. There were signs that Fateh never really seriously understood the “threat” from other parties,
especially Hamas (Change and Reform). The lack of party discipline within the Fateh movement was also noticeable. In some districts, e.g. Hebron, Fateh also did not manage to run one official campaign, but instead, Fateh candidates had their own campaign – which in reality meant that they were either campaigning against each other, other parties or independent candidates. On the district lists a relative large number of the independent candidates were Fateh affiliated, some of these candidates were voluntarily independent, but some became independent candidates in the process of merging the two Fateh lists. To what extent this matter “weakened” Fateh is not clear, but the fact is that 20.14% of all the district votes were given to independent candidates. Other parties and movements, especially Hamas gained support from the split within Fateh. Hamas had built an impression of a party with a clear mission, strong party discipline, few internal conflicts and candidates with a high local credibility – of these many were not “typical Hamas activists/members”. In this way Hamas created a label on itself as a party of order and also focused on fighting corruption and nepotism within Fateh – and the PA.

This report is based on the deployment of the Norwegians Long Time Observers in Tubas and Hebron in the period 29 December 2005 to 5 February 2006 and the deployment of the Norwegian Short Time Observers in Hebron, Nablus, Jenin and Ramallah in the period 20 January to Saturday 28 February 2006.

Historical Context


The Political Environment

The Palestinian- Israeli conflict and the occupation was a major factor on the agenda for the election. During the 2000- Intifada, Israel destroyed Palestinian Authorities (PA) facilities and demanded a disarmament and demobilization of PA Security forces. Since then Palestinian armed factions seems to have filled the gap. Israeli Defense Forces have
since 2003 rarely re-occupied cities in the West Bank permanently, but has still made frequent incursions into Area A (see footnote 2).

The combination of occupation, and lack of transparency in public organization in the PA has over time led to a geographical and political fragmentation in the Territories. The erection of the wall which cuts deep into the West Bank, in combination with an extensive network of check points have further contributed to geographical fragmentation of the Palestinian Territories. As a result, Palestinians have gotten used to live with a lack of a central public administration.

A fragmented Palestinian territory and a split political landscape with many actors have made political decisions and the implementation of decisions difficult. Consequently, family ties, informal networks and armed militias challenge the formal political institutions and the social stability, and have taken over responsibilities that these institutions should provide for. Mayors and governors also seem, to some extent, to replace the power of central authorities.

The lack of functioning courts and judicial institutions constitute a problem to law and order. The problems partly arise due to the lack of possibilities for the courts to enforce judicial decisions, and partly because defendants and defenders, prosecutors and the accused can not manage to reach the court facilities because of the extremely limited freedom of movement and the security environment. This fact, combined with the fact that the judicial institutions do not enjoy a reasonable level of trust, have weakened the legal system in such a degree that legal disputes have found other solution mechanisms such as family associations, so called “diwans” which for example seem to play an important role in resolving conflicts between families and clans.

Armed conflicts within the Fateh umbrella made it difficult for Fateh to shape an overall political platform and a unified message prior to the election. The political scene seemed characterized by a weakened legitimacy for Fateh and PA. The internal split in Fateh between what has been described as the “old guard” – the established Fateh and the circle around Mahmoud Abbas, and the “young guard” – the more radical parts, has weakened Fateh. The split lead to the creation of “the Future List” lead by Marwan Barghouti, but the two lists were merged again just before the election. In addition setbacks in the peace process have created a feeling of apathy linked a lack of confidence in Fateh and Palestinian Authorities (PA).

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2 In the Oslo II Agreement the West Bank is divided in three jurisdictional zones. Area A came under Palestinian Authority administrative and internal security responsibility. Area B remained under Israeli military occupation, but the Palestinian Authority became responsible for service and civilian administration. Area C remained under exclusive Israeli control. In practice area Israeli military forces has retained control also in area A.
Other parties and movements, especially Hamas’ political wing, the Change and Reform list, gained support from the Palestinian voters due to the weakness of Fateh. Hamas seemed to manage to create an impression of a party with a clear mission, strong party discipline and few internal conflicts. In this way Hamas created a label on itself as a party of order and also focused on fighting corruption and nepotism.

The Palestinian Authorities (PA) structure\(^3\)

The PA is a combination of parliamentary and presidential systems, divided into executive and legislative bodies. The balance of power between these bodies has been a matter of tension for some time and is an important issue in the post-Arafat period. The President of the PA, together with the government, holds the executive authority and the PLC performs the legislative role.

The PA also consists of:

Council of Ministers

- The Palestinian Legislative Council
- Palestinian National Security Council
- Palestinian Authority Security Forces: Consists of six separate forces: National-Security Force; General Intelligence; Military Intelligence; Civil Police; Preventive Security; Civil Defense.

Political parties and Movements

Fateh (Palestinian National Liberation Movement)

Fateh had 49 candidates at the proportional list and 66 district candidates. The candidate on top of the list of Fateh turned out to be Marwan Barghouti, Mohammad Ebraheem Abu Ali and Intisar Al-Wazir.

Fateh is an acronym of Harakat al-Tahrir al-Watani al-Filastin. Literally Fateh means victory or conquest. Fateh has been the traditionally dominant political force in Palestine, and is a secular nationalist party.

Fateh was founded by Yasser Arafat and other refugees in the late 1950s.

Fateh won the majority of seats in the 1996 PLC elections. Following Arafat’s death in November 2004, Mahmoud Abbas, commonly known as Abu Mazen, won the 2005 presidential election. Fateh has accepted the ‘two-state’ solution on the basis of UN resolutions and the 2003 Road Map. With the signing of the 1993 Oslo Accords, it accepted to lay down armed resistance, but has maintained associations to militia groups, particularly the al-Aqsa Martyr Brigades in the course of the recent Al-Aqsa intifada.

Prior to the candidate registration and the election, a split within Fateh lead to violence and Marwan Barghouti – submitted a separate ‘Future’ list. However, following a decision of the Election Appeals Court, the two lists were later again merged and a new list was submitted with Barghouti on top.

Marwan Barghouti was elected to the Palestinian Legislative Council in 1996. Originally standing as a candidate – first for Fateh and then as an independent – in the 2005 presidential election, Marwan Barghouti withdrew from the election and supported the candidacy of Mahmoud Abbas. Marwan Barghouti is serving five life sentences in an Israeli jail.

Hamas (Change and Reform):

Hamas had 59 candidates on the proportional list and 51 district candidates. The candidate on the top of the was Ismaiel Abdaslame Hanieya.

This list represents the political wing of Hamas. Hamas is an acronym of Harakat al-Muqawamah al-Islamiyyah, which literally means "Islamic Resistance Movement" and in Arabic means “zeal” or “courage”.

To a large extent this movement's popularity can be attributed to welfare and social services to the Palestinian people, but also to its paramilitary activities.

Hamas claims an Islamic state in all Palestine and the application of Shar’ia Law. Hamas has also opposed the Oslo Agreement in addition to the 2005 presidential election. However, Hamas performed powerfully in the 2006 municipal elections. One third of Palestinian municipal councils are controlled by Hamas, including important cities as Jenin and Nablus. In January 2006, Hamas published a more moderate manifesto for the Palestinian parliamentary election where Hamas dropped its call for the destruction of Israel which has been a Hamas’ raison d’etre since its founding. However Hamas still maintains a strong support for armed struggle. In the manifesto Hamas stated that they had decided to compete in the elections because it would contribute to “the establishment of an independent state whose capital is Jerusalem”.

Because Hamas has been responsible for a long campaign of suicide bombings and other attacks on Israelis, both USA and the EU have Hamas on their list of terror organizations. Hamas is however not on the UN list of terror organizations, and equally Norway does not consider Hamas as such an organization.

Third Path (Attaree Athaleth)

Third Path had 28 candidates on the proportional list and ONE district candidate.

The Third Path list is headed by minister of finance Salam Khaled Fayyad. The second-placed candidate is Hanan Ashrawi. Hanan Ashrawi was a Palestinian spokesperson
during the 1991 – 1993 Madrid and Washington peace negotiations and a key politician since the establishment of the PA.

Independent Palestine (Falastin Almusaqellah)

Independent Palestine had 41 candidates on the proportional list and no affiliated independent district candidates. The candidate heading the list of Independent Palestine was Mustafa Kamel Barghouti.

The Independent Palestine list is a coalition of independents and NGO members and includes the Palestine National Initiate (PNI). It is a moderate leftwing secular movement. The top candidate of Independent Palestine, Mustafa Barghouti, was also a candidate in the January 2005 presidential election. He then came second with 19.8 % of the votes. One main issue in Independent Palestine’s campaign was the removal of the wall and to fight against both Fateh corruption and radical Islam. Mustafa Barghouti is Secretary-General of the PNI and a prominent civil society activist.

Martyr Abu Ali Mustafa (Ashahid Abu Ali Mustafa)

Martyr Abu Ali Mustafa, had 50 candidates on the proportional list and 24 district candidates. The candidate on the top of the list of Martyr Abu Ali Mustafa was Ahmad Sadat Abed Alrasoul.

This list represents the Popular Front for the Liberation of Palestine (PFLP). The list is named after Abu Ali Mustafa, its former general secretary who was killed by Israeli forces in 2001. The PFLP is a Marxist-Leninist, nationalist party which traditionally represents the strongest platform focusing on social and economic justice. PFLP boycotted the 1996 election but recently performed well in local elections.

The Alternative (Al-Badeel)

The Alternative had 40 candidates on the proportional list and six district candidates. The candidate on the top of the list was Qais Kamal Abdul Karim.

The Alternative is a leftwing coalition of the Democratic Front for the Deliberation of Palestine (DFLP), the Palestinian People’s party (PPP) the Palestinian Democratic Union (FIDA) and some independent candidates.

Five other minor parties also presented candidates but did however not manage to reach the 2 % threshold for representation in the PLC.
**Gender Issues**

Amnesty International highlights three main factors describing the areas of concern for Palestinian women: Palestinians under Israeli military occupation, patriarchal customs and discriminatory laws⁴.

Traditionally the family constitutes a basic institution in Palestine – the nuclear family as well as the extended family (hamula). In this patriarchal system traditionally men are superior to women in family matters. Such traditions have an impact on all aspects of women’s opportunities in life- both economically and politically. ICG (International Crisis Group) sees a tendency to revert to traditional allegiances in times of conflict and instability in the West Bank since September 2000. The main unit in this respect is the extended family. In this perspective the diwan plays a major role.⁵

According to MIFTA (The Palestinian Initiative for the Promotion of Global Dialogue and Democracy), the mobility of freedom of women have been determined by religious and sosio-cultural norms as well as antiqued legislation. Furthermore, many families are afraid to let their female members leave the home⁶. Amnesty International points out that in such a way as a consequence of the Intifadas, women’s participation in the labour force has dropped from 15.8 % to 10.5 ∗.

MIFTA also underlines that women are discriminated against in laws governing marriage, divorce, custody and children, inheritance and violence against women – which are governed by religious doctrines. As a result of this, men and women do not have equal access to justice.

Women are guaranteed the fundamental right to vote and to be elected (according to the Basic Law). Even so, only a small number of women competed in previous elections. In 1996, five of the 25 female candidates won one of the 88 Parliamentary seats (5.7 ∗).

According to article 4 in the election law, each electoral list nominated for the proportional election shall include a minimum limit for the representation of women within the first three nominees, at least another woman within the following four nominees and at least one woman in each following groups of five nominees on the electoral list in the PLC election. There is no female quota in the constituency elections. This quota for women on the national party lists resulted in 22 per cent of women

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⁵ ICG Middle East Report No 32, 28 September 2004.
⁶ Nadia Moustafa Elrashidi, Women under Occupation, basic Analysis of their Status, MIFTA
candidates on the national lists. In the constituency elections, where there is no such quota, 15 of the 414 candidates were women.

Few leadership positions are held by women and few of the women district candidates in practice represent the front-figure of the political parties.

A number of NGOs did however carry out civic and voter education that was specifically targeted towards women.

**East Jerusalem**

"The Holy Basin" of Jerusalem covers 1.8 square kilometers and contains sacred places to Jews, Muslims and Christians. As a result of the 1967 War, Israel annexed the city. Today Jerusalem is surrounded with three main circles of Israeli settlements. The 250,000 Palestinians living in East Jerusalem constitute about one third of the city’s population. A majority of Palestinians living in Jerusalem have refused Israeli citizenship, because Israeli citizenship has been linked to renouncing of Jordanian passport. These Palestinians therefore hold Israeli identity cards granting them residency only. As permanent residents of Jerusalem, which is claimed as Israeli territory by the state of Israel, the holders of the IDs risk having their residency permits withdrawn.

The plans for the Israeli wall will to a large extent separate Jerusalem from the West Bank and make traveling Ramallah – Bethlehem/Hebron difficult and contribute to split the Palestinian Territories even further. Since Jerusalem is of major economical and social importance to the Palestinian society, such a closure of Jerusalem to the rest of the West bank will create a major blow to the Palestinian society and economy. For this reason the Jerusalem question has for many Palestinians become a key question in the conflict with Israel.

Since 1993, Israel has not accepted the establishment of formal PAS offices in Jerusalem, but under special provisions of the 1993 and 1995 Oslo Accords, Palestinian residents have a right to vote in Palestinian elections.

In the Final Report from the European Union Election Observation Mission to the Presidential Election in West Bank and Gaza 9 January 2005 it is expressed concerns on the election in East Jerusalem:

"There is also concern at the lack of proper electoral procedures for voters and candidates in East Jerusalem, and it was noted that on election day people faced a lack of clear information and administrative obstacles in exercising their voting right. The Protocol on Elections does not provide..."

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7 International Crisis Group, The Jerusalem Powder KEG. Middle East Report No 44, 2 August 2005
proper or reasonable electoral conditions, such as by limiting the process to just five post offices, and the position taken by the Israeli Authorities with regard to refusing to allow Palestinian election officials to be involved in the post offices, refusing to allow adequate preparation by the DEC, together with their closing down of the registration of voters in September, had a profoundly negative impact on the electoral process in Jerusalem. It is clear that for the coming elections the present Israeli-Palestinian agreement concerning elections in East Jerusalem requires reconsideration in order to avoid further tension and problems.”

And further:

“The election campaign passed off without major incident directly linked to the campaign, but restrictions were placed on the freedom of movement of candidates. This caused considerable frustration among candidates as they faced obstacles in gaining access to voters, notably in East Jerusalem [ ]”.

Prior to the 2006 PLC election, the Israelis were intent to deny Palestinian residents to vote in East Jerusalem. On 15 January, an agreement was reached to allow for limited voting and made it possible for around five per cent of Palestinians resident in East Jerusalem to cast their votes in the city. The voting had to take place at six postal offices, and the majority of the voters had to vote in the West Bank. As in 2005 it seems that the voting in East Jerusalem faced heavy difficulties. In the statement of preliminary conclusions and findings, issued on 26 January 2006 by EU EOM to West Bank the procedures at the post offices was described as a failure concerning secrecy of the ballot, and were administered by Israeli postal workers rather than trained Central Election Commission staff. The inadequacy of the locations also caused long queues and slow voting procedures that led to a two-hour extension of the voting.

The Legislative Framework

The Palestinian legislative framework must be considered as some of the most modern of its kind in the Middle East. It has newly been revised (June 2005), but it still has some shortcomings as it lacks an appropriate enforcement mechanism and has limited means to ensure compliance with campaign regulations or punish violations of the law8.

The basic legal framework is defined by:

- The Basic Law (BL) amended by 19 March 2003

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8 EU EOM Preliminary Statement.
Palestine: Palestinian Legislative Council Election 2006

- Several Presidential Decrees.
- CEC by-laws and procedural regulations.
- The 1995 Oslo Accords Protocol Concerning Election (especially for the voting in Jerusalem).

The basic political rights are found in the Basic Law article (26):

*Palestinians shall have the right to participate in the political life individually and in groups.*

*They shall have the following rights in particular:*

1. To form, establish, and join political parties in accordance with the law.
2. To form and establish unions, guilds, associations, societies, clubs, and popular institutions in accordance with the law.
3. To Vote and nominate for election, representatives among them by ballot in accordance with the law.
4. To hold public office and positions in accordance with the principle of equal opportunities.
5. To conduct special meetings without the presence of police members, and to conduct public meetings, processions, and assemblies, within the limits of law.

In the 1996 election the number of seats in the Palestinian Legislative Council (PLC) was 88 extended by Presidential decree from 83 and there were a specified numbers of seats per constituency where the candidates were elected under a simple majority system. This was according to the Election Law of 1995.

According to this law (El Art. 2.1) the election for the PLC should have taken place along with the election for the President which took place in January 2005. For various reasons the election for the PLC was postponed several times to the 25th of January 2006. The law prescribes that the PLC shall serve for a four years term, from the date of election, and that elections shall periodically be run every four years (EL Art. 2, 4).

On the 18th of June 2005 the PLC made some major changes to the legislative framework and approved amendments to the Election Law of 1995.

The PLC is now composed of 132 seats and there is a mixed system (50% / 50%) (EL Art. 3, 1) where the voter has to cast two ballots, one for The proportional list system - the national lists (66 seats) and one for the relative majority system – The district lists (66 seats).

**The proportional list system - The national lists.**

66 of 132 seats is elected by a proportional representation system where the entire Palestine is considered as one electoral constituency (EL Art. 3, 2 b, Art 6, 1). These national lists are closed, which means that the voters cannot specify preferences for individual candidates. Each list must have a minimum of 7 and a maximum of 66 candidates.
There were 11 parties or coalitions/blocks for the election purpose (EL Art. 3, 2, c) on the national list. (For details, see Political parties and Movements and Candidate registration above).

There is also a female quota system, a demand for women’s representation, on these lists (EL Art. 4). The law requires that minimum one woman is included among the first three names on the list, among the next four names and among each of the five names to follow.

There is a threshold value of 2% in the law (EL Art. 5, 1). This means that only the electoral list that attains 2% or more of the valid votes can have seats allocated.

The counting method for the proportional list is the Sainte-Laguë method (EL Art. 109). The number of valid votes obtained by each list is divided by 1, 3, 5, 7, 9 et seq. as long as necessary for the allocation of seats.

The relative majority multiple constituencies system – The district lists.

66 of 132 seats is elected by a simple majority system where each of the 16 constituencies has a specified number of seats (1 – 9) according to the population number in each constituency. The seats are allocated to the various constituencies by a Presidential decree. Six seats of the 66 are set aside for Christians, selected from different constituencies defined by a Presidential decree. (EL Art. 3, 2 a, Art 6, 2-3).

The voters are free to mark as many candidates as there are seats in the constituency.

On the district lists, candidates may run for election as a member of a registered party/coalition or as an independent candidate even though the electoral system makes it very difficult for an independent candidate to win a seat.

The counting method is by a simple majority. This means that if there are 9 seats, the 9 candidates that obtains the highest number of valid votes, are elected (EL Art. 95).

This system gives the largest party a disproportionately big advantage. Fateh representatives in Hebron admitted in interviews after the election that they had thought that Fateh would benefit from this system and that was why the Fateh dominated PLC had chosen this system in 2005.

The relevant constituency.

To be eligible to vote, the voter has to be registered in the relevant constituency (El Art 9, 1) where he/she resides (El Art. 36, 4). Still many voters register at the traditional residence of the head of the (wider) family.

Especially for the security forces, this caused problems because many of the security forces were stationed elsewhere than in the constituency where they were registered. This matter was solved by allowing the security forces to vote in the period 22 – 24th of January, even though this is not provided for in the law. (See also Voting for the security forces).

There is no proxy, out-of-country or absentee voting and no provisions for house-bound, hospitalized or institutionalized voters. According to the law this also goes for voters in prisons. Still the CEC allowed “political prisoners” in Jericho jail to vote even if the
imprisoned voters were registered in another constituency, this policy was adapted due to the lack of any legal provision for absentee voting. And also the issue of voting for Palestinian prisoners in Israel remains unresolved.

The Electoral Administration

Electoral Bodies and Institutions

Central Election Commission (CEC)

The Central Election Commission is composed of nine members appointed by a Presidential Decree of 1 April 2005, and includes academics and judges. The CEC headquarters were in Ramallah, and there was also a Central Election Commission’s Regional Office in Gaza City. The Central Election Commission’s mandate included the following:

- Supreme authority conducting and supervising the elections
- Adopting measures and procedures necessary to organize and conduct the elections and ensure the integrity and freedom of the elections
- Supervising the work of the electoral constituency committees and the Central Elections Office
- Registering the candidate lists and the electoral lists
- Accrediting observers and agents
- Re-conducting elections in any polling stations in which it is proven that violations have taken place that could affect the results
- Adjudicating appeals against decisions of the electoral constituency committees or polling station committees
- Announcing the final results
- To be totally independent in political, financial and administrative terms

Central Election Office (CEO)

The CEO is the administrative and executive body of the CEC, responsible for planning and carrying out all overall electoral operations, including: selecting and training all election officials, being in charge of public information and voter education, supervising the work of 16 District Election Offices and ensuring the implementation of electoral operations.
CEC District Electoral Office

Each electoral district has a Central Election Commission District Electoral Office. These offices supervise the phases of the electoral process, including voter’s registration, polling, and counting in their respective electoral district.

Polling Station and Registration Committees (PSRC)

Its members are appointed by the CEC. They are responsible for: voter registration and the running of the polling station, hereunder conducting the voting/counting-process.

The Election Appeals Court (EAC)

The Election Appeals Court (EAC) is constituted by Presidential Decree and consists of nine judges, including its Chairman. It hears appeals from decisions of the CEC, including the announcement of the final results.

Voter and Civic Education

The Central Election Commission provided voters education material prior to the election, designed to cover a variety of messages to potential voters. The material was made for two phases of the electoral process: Voter Registration and Polling. The material on voter registration focused on the process and timeframe of the registration, who is an eligible voter and location of registration centres. The material on polling focused on polling locations and explanations of the polling procedures and how to fill out the ballots. The Central Election Commission also made posters, billboards, banners, and fliers, in addition to television and radio spots on local and international satellite channels. The Central Election Commission also facilitated partnerships with local councils, universities, and civil society organizations, and set up a toll free call centre. The primary function of the call centre was to provide quick information on an eligible voter’s polling location.

The effect of the voter education measures are challenging to assess. Written material from the Central Election Commission were highly visible in for example Tubas district, as the material was distributed to shops and public places. In addition to voter education by election authorities as Central Election Commission and the District Election Office, some NGOs provided voter education.

Voter Registration

The requirements on who is eligible in the PLC election are stated in The Election Law Article 9 and 10. According to these regulations, persons eligible to vote must be:

- Palestinian
Palestine: Palestinian Legislative Council Election 2006

- At least 18 years of age on Election Day
- Registered in the relevant constituency register.
- Enlisted in the final elector register.
- Not deprived of the right to vote by a judicial sentence from a Palestinian court.

A Palestinian is here defined as a person:
- born in Palestine as defined by British Mandate, or
- born in Gaza or West Bank, including Jerusalem, or
- Irrespective of place of birth having one or more direct ancestors born as above, or is the spouse of an eligible Palestinian
- Has not acquired the Israeli nationality

The relevant constituency is defined where the voter resides (EL Art 36, 4), but many voters still register at the traditional residence of the family. This means that many voters cast their ballot away from their actual place of residence.

A total of 1,332,499 voters were registered to vote in the election, and this was an increase from the figures at the Presidential election in 2005 which were 1,282,524 voters. According to the CEC this was representing more than 70% of all estimated eligible voters. The public access to the final register of voters was restricted. The Central Election Commission did not publish the register before the polling day, but the register was available on demand by candidates. In this way independent cross-checking of the persons for double registration was not possible. The transparency of the registration of voters was thus in practice limited. Registration of an estimated 123,000 voters in East Jerusalem was not permitted by the Israeli authorities.

Candidate registration

The Election Law (Art. 11) has provisions which prohibit PA employees (civil and military), anyone whose salary is paid from public funds, employees of public institutions and international organizations to stand as a candidate unless they resign prior to the date set for the announcement of the final list of candidates.

To stand as a candidate for the legislative council, the candidate must be Palestinian, 28 years of age or older on the designated polling day, registered in the final voter register and have permanent residence within the Palestinian territories (EL, Art 15).

Contestants can register as part of a national electoral list which is composed of a registered party, coalition of parties, or grouping of people for the purpose of conducting elections, or as an individual candidate on the district level.

A national electoral list must be supported by at least three thousand eligible voters and must make a deposit of $ 6 000 (or the equivalent in NIS). If any members of the list are elected, the deposit will be refunded. The list has to have at least 7 and maximum of 66 candidates. (EL, Art 16-17).
An individual candidate on the district level must be supported by at least five hundred voters who are eligible to vote and must make a deposit of $1,000 (or the equivalent in NIS). In case the candidate is elected, the deposit will be refunded. (EL, Art 16-17).

The deadline for registering candidates and electoral list at the CEC was 14 December 2005. At this time there were 12 electoral lists registered. Fateh had registered two lists, the Fateh list (“the old guard”) and Future list lead by Marwan Barghouti (“the new guard”). The CEC re-opened the registration of candidates for six hours on the 28th of December. This was due to a questionable ruling of the Election Appeals Court after a complaint filed from Fateh, and was compensation for the six hours which the CEC closed its offices on 13 – 14 December. The reasons that the offices were closed were that several CEC offices in West Bank and the Gaza Strip were stormed by armed men reported to belong to the al-Aqsa Martyrs Brigades.

At this re-opening Fateh registered a new electoral national list as they had managed to merge the Fateh list and the Future list from the 14 of December into one Fateh list. This had the consequence that several candidates that had won the Fateh primary, suddenly was out of the national list to make room for candidates from the Future list. Some of these Fateh candidates were “transferred” to the district list, and some suddenly “became” independent candidates. According to interviews of candidates done by the LTOs, some candidates were just informed of this by the Fateh leadership.

There were 314 registered candidates on 11 electoral lists on the national level, and 414 candidates on the district level. Of these 414 candidates a relative large number of candidates, (257) were registered as independent candidates. This does not mean that they necessarily were truly independent candidates; many were affiliated with a party.

During the campaigning period, several independent candidates announced that they withdrew their candidacy, some did this as late as the 23 of January. This had no effect on the candidate names on the ballot as there was no legal possibility for a candidate to withdraw his/her candidacy after the registration had been closed and the CEC had published the final lists. In the LTO’s interviews with some of the candidates that had announced their withdrawal, they said that the unofficial reason for their withdrawal was pressure from Fateh. Other independent candidates (in Hebron) with Fateh affiliation complained that Fateh spread false rumors that they had withdrawn. After the election there were also complaints from independent candidates (in Hebron) with Fateh affiliation that they were blamed for Fateh losing the election and they were told that this would have consequences for them, as being excluded from the Fateh movement.

The Election campaign

The campaign period can in general be described as calm and the tone between candidates as positive with little hate-rhetoric. The relations between the candidates seemed to be peaceful, and posters and candidate material were generally left in peace. Despite some accusations of bribery, the campaign environment can be described as good.
In comparison to the 1996 and 2005 elections, there was a drop in reports as regards the use of state resources by candidates in the campaign. In terms of security incidents, two activists were reported killed in election-related activities. Otherwise, the Code of Conduct for campaigning made by civil society seemed to have been maintained by all eleven national lists.

The campaign was nevertheless influenced by restrictions from Israeli authorities, especially restrictions on the freedom of movement, which during the campaign caused substantial problems for the candidates. There were several reports also of arrests of campaign activists by the Israeli Defense Forces in the West Bank and candidates and activists were also challenged in East Jerusalem, where arbitrary restrictions on campaigning imposed by Israeli authorities led to a number of arrests. On some occasions, for example in Hebron, personnel from Israeli Defense Forces removed and confiscated campaigning material such as posters and stickers from Hamas.

There were also reports from various LTO teams that mosques were being used for political activity in favor of Hamas. Among activities that were reported were posters inside and outside of the mosques, political speeches at the prayers and handout of Hamas pamphlets.

In rural districts, the very basis of the political system and the political environment seemed to be based on family relations. Contacts between party candidates and family members seemed to be restricted and controlled by the heads of the families. For example in the Tuba electoral district, the candidate’s possibility to speak with singular members of families seemed to be limited in the way that contact between candidates and the family members to some extent had to be approved by the heads of the families. After agreements with family heads, the candidates were able to meet other family members. Candidates’ activity was mostly concentrated influencing family rulers, since their success depended heavily on their decisions. These limitations on freedom of speech seemed on the other hand not to be seen as a problem by the candidates themselves.

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The Media

The media landscape in the West Bank and Gaza was considered to be relatively pluralistic; there are several official media and a wide range of private radio and television stations (48). The international broadcasters, especially Al-Jazeera, were also important in the media landscape as television is the main source of political information.

The official media outlets, Palestine TV, Palestine Satellite Channel, Voice of Palestine Radio and Wafa News Agency, are managed by the Public Broadcasting Corporation.

The largest and most important newspapers (dailies) are:
- Al-Quds – the largest and told to be close to Fateh, Jerusalem based.
- Al-Ayyam – privately owned and told to be close to Abu Mazeen, Ramallah based.

The legal framework for the media is set by:
- the Basic Law – recognizes the freedom of expression and speech without any censorship, and the right to establish newspapers and media (Art 27).
- the Press Law – regulates the press.
- the Election Law – demands impartiality from all official media during the elections process (Art 59), and demands that the CEC together with the official media set forth a special program that gives all candidates free and equal access to the media (Art 63).
- the CEC Guidelines on Election Campaign.

In accordance with the Election Law and an agreement between the CEC and the Public Broadcasting Corporation (PBC) there were an-hour talk show on Palestine TV for each of the 11 electoral list (free of charge) and the shows were broadcasted by the order of registration (the list no). Each national list also had the opportunity to produce and broadcast a campaign spot free of charge up to ten minutes, for the district candidate a spot up to two minutes. There was also a final three hour debate with representatives from all the national lists. As far as the LTOs know, there were not filed any complaints on this issue.

The EU EOM conducted a broad media monitoring program that included official TV and radio channels, Al-Jazeera, Watan TV, Amwaji Radio and the three largest newspapers. The main EU EOM preliminary conclusions were that candidates benefited from equal access to free airtime provided by public broadcasters and that there were coverage of all political parties and candidates, but that several state media favoured the ruling party (Fateh), some also had a negative tone when mentioning Hamas, while some private broadcasters offered unequal fees to candidates for paid advertising. These conclusions are similar to our experience in Jenin and Hebron, though in Hebron several
candidates also reported that a major problem with access to the television was the production cost for campaign spots.

Observation on the Polling Day

Introduction

The voting on 25 January was in general carried out in an orderly and effective manner. The overall turnout was 77% of the of registered voters. The election administration and the preparations for the election day seemed to be of high quality. Domestic observers and candidate representatives were present in most of the polling stations. The closing in the observed polling stations likewise complied with the procedures. During the polling minor campaigning activities at the election day were observed – contrary to requirements the in the election law.

There were reported shortcomings with regard to the voting in East Jerusalem. A late decision from Israeli authorities on whether voting would be allowed to take place in East Jerusalem made obstacles to the election process and failed to give reasonable, equal or appropriate conditions for voters from East Jerusalem.

The Security Forces voting.

The voting for the 58,705 members of the security forces was subject to great controversy. The problem was that the security forces had to be on duty on polling day and this caused a problem for them to vote. Since many of them were serving in constituencies other than where they were registered, these members would be prevented from voting as there were no possibilities for absentee voting.

To solve this problem the President issued an amendment on the 10 of December 2005 to Article 73 that stated that the "The Elections Committee is to design a mechanism to allow members of the police and other security forces to vote during the 48 hours immediately preceding the scheduled polling."

The CEC adopted a flexible approach to the solution, but insisted that the voting should be done according to CEC regulation and in special polling centres.

The voting for the security forces was then set to the 23 of January, but the Ministry of Interior rejected this solution citing that this would leave the security branches without their personnel on the early voting day.

On January 3 2006, the President issued another amendment to Article 73:

4. Security personnel shall cast their votes during the three days that precede the official polling day as per Article (2) above, provided that the counting of their votes shall be conducted at the same time of the counting of votes for the general elections, whereby the electoral process is considered as an indivisible unit. The polling process shall be conducted pursuant to the same regulations and procedures applied on polling day indicated in Article (1) above.
The Ministry of Interior was still not satisfied, as the CEC arrangements was such that the security forces would vote in special polling centres located in each district, and on the 4 of January the Palestinian Cabinet issued a decision allowing the security forces to vote in their barracks (inside security buildings and outposts) in the three days prior to the election day. The decision also meant that a large number of the security forces would be allowed to cast an absentee ballot for their district vote. This was not according to the law and would also be a logistically complex operation. There were also a great concern about the possibility for fraud, manipulation and intimidation with regard to this solution. The LTOs were also informed that this arrangement was to include the families to the members of the security forces, but this was not officially confirmed.

Due to the political interference and the pressure from the Ministry of Interior several members of the CEC submitted a letter of resignation to President Abbas. The President supported the CEC and the Palestinian Cabinet. The Ministry of Interior eventually accepted that the voting for the security forces should be done according to the law – and the CEC arrangement. The CEC members then retracted their resignation.

According to the CEC regulations, the voting for the security forces was carried out from the 21 to the 23 of January in special polling centres, one for each electoral district except for Gaza, which was provided with two centres. As in normal polling centres, there were from one to six polling stations in each centre. The Ministry of Interior provided the CEC with the names of all the members of the security forces and they were then removed from the voter’s registry that was to be used on Election Day thereby preventing them from additional voting on Election Day.

Even though the early voting for the security forces in general was conducted well, there were reported several incidents, such as:

- There was report of Fateh officials who said that Hamas planned to punish or fire members of the security forces if it won the election. This was denied by Hamas. (Pravda, 21.01.06)

- The Chief of Civil Police of the West Bank sent a letter to all district police chiefs in which he instructed the police to vote in favour of Fateh.

- There turned out to be a relative high proportion of illiterate voters within the security forces – voters that needed assistance from their superiors to vote.

- The elite Force 17 security unit had people outside several polling centers registering attendance. This was also the case in Hebron on the 21 of January where this practice came to a sudden end when the EU EOM Chief Observer came on a visit at the polling centre and started the visit by talking, in front of the national and international press, to these men that was seated at a table outside the entrance of the polling centre – assuming that they were polling staff members. The District Election Office had them removed shortly after.

**Long Time Observer: Leif E Broch**

The LTO was deployed to the city of Hebron, the largest city on the West Bank. Its surroundings constitute the largest electoral district in the Palestinian elections in
terms of registered voters (186 054), and it was the district with the highest amount of district constituency seats (9). The particularities of the district of Hebron were primarily its conservative electorate, which is said to be a traditional stronghold for Hamas. There are strong tribal relationships within and between parties and electoral lists, and the number of illiteracy among the electorate is also generally high. The conservative movement Hizb-ul Tahrir, which called for boycott of the election due to ideological and religious convictions, was also quite active in Hebron.

Hebron city is divided in Hebron H1 and Hebron H2. H1 is under Palestinian control, while H2 is under Israeli control due to the approximately 400 Jewish settlers that lives in the heart of the city. The situation was often tense because of harassment of the Palestinians by the settlers and restrictions imposed on the Palestinians by the IDF.

There are also several other Jewish settlements in the Hebron district, the largest being Kiryat Arba with over 6 0000 residents.

There were three LTO teams deployed in the Hebron district, which required a high degree of coordination between the teams.

Observation of the opening
No major problems were reported on the opening of the polling stations.

Observation of the polling
Generally the polling staff was well trained, capable and committed to their tasks and the knowledge of the procedures seemed to be good.

Three polling stations had a layout that did not secure secret voting because the polling booths were placed in such a way that it was possible to see whom the voters voted for; however, the STO Teams reported that this probably was not intentional.

There were a high number of voters that sought assistance; this was generally solved according to the rules with only minor breaches observed, apart from one case where the Chairperson not only told the voter how to vote but also told the voter whom to vote for.

Several cases of family voting were also reported.

The LTOs observed party representatives present outside many polling stations, mainly Hamas and Fateh, which registered voters who came to vote. The reasons for this practice was mainly said to be; “To help voters that had forgotten to vote by reminding them of this.” or that they conducted a parallel control system to check that the official turnout was the same as their figures.

Outside most of the polling station’s there were generally many people present and vigorous campaigning often took place, mainly from Hamas and Fateh but also from other parties and independent candidates. With some exceptions, the atmosphere was good and the voters did not appear to be intimidated by this unlawful campaigning.

The STO teams did however report several security incidents and tension which in some cases lead to closed polling stations for a shorter period of time, typically for 15 - 20 minutes, but the polling stations could also be closed up to several hours. In some cases the situation calmed down after a while, but in other cases the security forces had to
restore order. The only report of use of firearms however, was in Halhul where a policeman felt threatened by locals at the entrance of the polling station, and fired warning-shots in order to disperse the crowd, resulting in one man being hit by a bullet in the leg.

Observation of the closing and counting

No problems were reported in the observation of the closing of the polling stations. The counting process was generally viewed as good. One STO team assessed the counting as "Bad", apparently due to the tiredness of the officials. The counting was a long process for all polling stations, one STO Team reported that the counting of 381 (x2) votes took 7 hours.

All sealed ballot boxes and the results were brought to the DEO without any reported problems. The ballot boxes was delivered to DEO personnel at a school some distance from the location of the DEO. The reason for this separation was the negative experience from the Presidential election in 2005 when there was a high degree of chaos in and around the DEO when the ballot boxes from the 157 polling centres and 391 polling stations arrived more or less at the same time.

Observation of the tabulation

The LTO team who was the team with the responsibility for contact with the District Electoral Office (DEO) in Hebron also observed the tabulation. The DEO had briefed both the LTOs and all the STO Teams on the preparation for the tabulation and invited the observers to view all stages of the tabulation. As it turned out, this was not to be the case and the LTO team experienced quite unexpected difficulties in the observation of the tabulation. The problems in the observation seemed to have accelerated parallel to the chaos and disorder in the DEO.

Quite early, the LTO Team was told that it was not allowed access to the part where the DEO Coordinator had his office and where the results were reported to the CEC. The LTO team was then asked not to be present in the room where the polling station results were entered in Excel spreadsheet. After this DEO staff told in an impolite manner, that the team were not allowed to stay in the room where the protocols were delivered and if the LTO team left the room it would not be allowed access again. The LTOs told the staff that this was not acceptable and the team would have Core Team contact the CEC if necessary. The LTO team was then allowed to stay and went in and out without problems. Several of the DEO officials were quite rude, yelling at the team and wanted the team to leave several times. After some discussion the situation calmed down. The situation was nevertheless quite unpleasant at times and it became obvious that the LTO team would not able to observe the whole process.

The process was chaotic and to be able to finish as soon as possible seemed to be all that mattered. Unsealed envelopes with protocols were received without any comments or notes from the DEO staff.

However the manual tabulation was done in a proper way.

There was a long totally disorganized queue in the stairs which blocked the entrance door to the room where forms had to be delivered. The tension was increasing as
managers from the polling stations loudly were accusing the DEO staff of being rude to them. At 2.30 AM the DEO decided to open a new room to receive the protocols and calm down the queue. This helped, but not on the way the protocols were received.

There was a quite heavy military presence at the DEO, outside the building, on the roof, inside the building (2-6 men) and from time to time there were also uniformed men inside the rooms where the results were manually tabulated and where the protocols were delivered.

The LTO team left the DEO at about 3.00 AM on instructions from the Core Team, this due to general preventive security precautions from Core Team and not related to the situation in Hebron. This had no practical importance on the assessment of the DEO, as the tabulation was stopped at approximately 3.30 AM. The DEO informed us of this the following day and that the tabulation was continued later in the day by the DEO staff but then without observers present. This was done according to an agreement between the DEO and the different party representatives. During the following days the LTO team received the preliminary results on the candidate level (an Excel spread sheet) from the DEO and it turned out these figures differed from the final CEC figures. The difference did however not have any impact on the allocation of seats, but it was still a disturbing detection. The LTO team never managed to get any final protocol from the DEO.

**Long Time Observer: Hans Georg Leopolder**

The LTO was deployed to Tubas which is situated north east in the West Bank with borders to Jenin, Nablus and Jericho. Tubas has about 20,000 eligible voters. Both the towns and the villages in Tubas have a rural characteristic. In this respect the very basis of the political system and the political environment in Tubas district seems to be based on family relations. Contact between party candidates and family members seem to be restricted and controlled by the heads of the families (as described above in the Section “The election Campaign”).

All the interlocutors described the campaign environment as good-natured and proper. The relations between the candidates seemed to be of a peaceful nature and there even existed some cooperation between the candidates from competing parties on campaigning (to avoid rallies at the same day, etc). No threats or intimidations were observed during the campaign period.

The election administration and the preparations for the election day seemed to be of high quality. In general terms the election in Tubas region was made in an orderly and effective manner. All the interlocutors of the team described District Election Office as efficient, reliable and impartial.

The observation team all in all observed 33 Polling Stations during the election day, including the closing.

**Observation of the opening**

All the teams in Tubas rated opening procedures as very good. Polling stations opened in time, and the staff and equipment required were present.
Observation of the polling

During the polling minor campaigning activities on the election day were observed – contrary to requirements the in the Election Law. Outside the polling stations, leaflets were handed out and posters were posted at the walls. The vicinity of the polling stations were crowded with people, some of them campaigning – but all the campaign activity was made in a feeble way, and did not interfere in the polling in a persistent manner. Except of a few minor incidents, the Tubas team did not observe any obstacles to the voting. In most of the polling stations on election day there were domestic observers, and also party agents. The only concern related to election day was that there were a big number of illiterate voters (particularly women). The illiterate voters seemed to arrive late in the day and more or less at the same time in clusters, which could be an indication of an arrangement. There were also some people eager to assist illiterate people outside the poling stations on election day.

Observation of the closing and counting

The closing in the observed polling stations complied with the procedures. The results were transferred from District Election Office to the Central Election Office on election day.

The handling of election material at the end of the election day at the District Election Office was effective, but the security arrangements in front of District Election Office during the arrival of ballot boxes after counting seemed to be too weak. The handling of the election material to District Election Office was transparent.

Ten complaints where filed on election day. All complaints were filed by domestic observes and all complaints were related to assistance of alliterated voters. All complaints were sent to Central Election Office. None of the voters who filed complaints received a copy of the complaint.

Observation of the tabulation

Four party agents and two local observers observed the tabulation closely and two of them made parallel tabulation to the one made by District Election Office. The work of the District Election Office seemed to be effective and well organized. There was not a heavy presence of police inside the District Election Office building, and no armed personnel inside the office premises.

Observation of the Polling day: STOs

Jenin – STO Laila Bokhari

Overview: Jenin district has some 250,000 inhabitants with 34,000 in Jenin city and about 16,000 in the Jenin refugee camp. Jenin has been seen as a traditional religious stronghold, and Hamas has in the previous local elections won a majority of eight out of 15 seats (five Fateh, two PFLP). Illiteracy is high, particularly in the many villages surrounding Jenin town.

The pre-election campaign was reported to have been active and fair. All parties and independent candidates were part of the campaign. Out of the 32 candidates running for one of the four district seats, nine were from the three parties Fateh (four), Hamas (four)
and PFLP (one). The 23 others were independent candidates. There was one female and one Christian candidate.

The team also observed the early voting by the security forces on the 23 January. The early voting was marked by a high level of turnout, while quite a few required assistance due to illiteracy.

Observation of the opening: The STO team observed the opening of the elections in the village Ash Shuhada just south of Jenin city. The opening took place at 07.00 sharp and everything was according to protocol. There were three party agents present at the opening, no domestic observers. Polling staff were well prepared and professional, and instructed the early voters in a correct and careful manner.

Observation of the polling: The procedure in the polling stations seemed to have been conducted professionally. Polling staff knew their job very well – and when in doubt the Centre manager was conducted to solve the problem.

There was a very high turn-out through the whole day. However, very few domestic observers were seen. A high number of party agents representing all the political parties were present.

Only one formal complaint had been registered quite early in the day in one of the polling stations

The 48 hours campaign silence was respected at least the first 24 hours. On election day, high activity was however noted throughout the day. This campaigning was conducted by all political parties, in a positive tone.

Closing and Counting: The closing took place at exactly 19.00hrs. There was no extension and nobody waiting to vote. The procedure was followed strictly and the counting went well.

Nablus - STO Ragnhild Hollekim

STO team 05/07, Walter Fend, Austria and Ragnhild Hollekim, was deployed to Nablus district. On election day we observed polling stations in a rural area in the south. Nablus is a large city on the West Bank with a total population of approximately 230.000 people. Nablus district has approximately 320 000 inhabitants. There are three big refugee camps located within the city borders, the biggest is Balata, counting 21 000 inhabitants. In Nablus district there were 103 polling centres and 259 polling stations. Included here was one polling centre (with five polling stations) were members of the security forces voted early. For the district list in Nablus, 30 aspiring candidates contested 6 seats.

The big majority of the population is Sunni, with a small minority of Christians and some 500 Samaritans. The city of Nablus suffered heavily during the Israeli Defence Shield in April 2002, when more people were killed here than in the Jenin camp. Nablus city has been put under total closure by the Israeli army since 5 years, with damaging effects on the city’s economy which used to be the strongest in Palestine. The social and economic situation in Nablus city and surrounding district are at present extremely severe, with an unemployment rate of about 45 % and approximately 60% of the population living below the poverty line.
Hamas appeared very strong in Nablus. A clear sign of Hamas’ position in the population (or maybe more so the general dissatisfaction with Fatah) was the results of the Nablus Municipal Election. Here Hamas got 73.4% of the votes. Fatah, on the other side, was seemingly in deep crisis and more divided than anywhere else on the West Bank. Strict security was provided at all times, and the EU observer teams worked/moved with escorts within the city borders.

**Opening and voting**

On polling day, 10 polling stations were visited by our team in the area of Yatma, Qabalan, Talfit, Qaryut, As Sawiyra, Al Lubban Ash Sharqiya and Ammuriya.

The team observed the opening in a Polling Centre 0314 in Yatma, polling station nr. 02. Three party observers and one domestic observer were present, expressing their satisfaction with the process. Two party observers were seen wearing identifying equipment, a green Hamas cap and a badge (independent candidate for the district list) respectively. The domestic observer claimed he had been asked by the Chair not to note down the number of voters as they arrived at the polling station. At the entrance of the polling centre a car campaigning for PFLP was observed.

Overall, the voting process was very well conducted. Party observers (always at least two) were present in all polling stations, domestic observers like wise, with two exceptions (most likely they were outside or moving between polling stations in the polling centre). Some light infringements to the rules were observed, without being the result of fraudulent will. In a few instances, family voting was observed, but staff was seen intervening quickly when this happened.

Some concerns can be raised in regard to activities outside the polling centres/polling stations where what can only be described as heavy campaigning took place. Fatah and Hamas were particularly active, but a number of other parties/campaigners for individual candidates were also observed. Often voters had to walk through an “alley” on entering the polling centre, Fatah lining up on one side and Hamas on the other. Still, the atmosphere was good, the campaigners often very young (many children) and as the team saw it, voters did not appear intimidated. Another concern is that in at least four polling centres, Fatah and Hamas were seen taking down the names of the voters as they entered the polling premises. The reason was, according to both parties, to keep track of people who had not voted in order to phone them and urge them to vote, or if necessary go and pick them up by car.

**Counting and tabulation**

For security reasons, all Nablus teams were called back to town for observation of the counting. Our team followed the counting in polling centre 250, Polling Stations 2-3-9, at An-Najah National University. For security reasons there had been a last moment move of several polling stations to An-Najah from a nearby area where a Fatah campaigner had been killed two days before polling day.

The counting exercise was done in a very professional manner. For the count, all party observers and domestic observers received spread sheets from the Chair, greatly facilitating their work. To be mentioned though, when the results were ready and announced, everyone, apart from the Chair and the Secretary, left the premises. The Chair continued the work according to prescribed procedures, securing sensitive material and filling in protocols. The protocol was posted outside the polling centre, but the
public did not have direct access to the results the same night, these premises being located within a closed University area.

The retrieval of protocols and election materials at DEC was well organized, in a transparent and efficient manner. For security reasons, our team was not allowed to stay at DEC and observe the tabulation and aggregation process.

Hebron – STO Cecilie Hellestveit

The STO team 1405 concentrated on the city of Hebron, mostly areas in H1.

Preparations

The campaigning observed by the STO team in the days leading up to election day was conducted properly. Political debates between parties in local media and public spaces took place in orderly manners, with discussions mostly focused on social and economic issues. Hamas ended their campaign with a gathering south of Hebron, where the number of supporters present was around 30,000 (estimation shared by local news coverage and the STO team). Only the following two incidents were reported to the team.

According to a number of local residents, Hizb-ul Tahrir had been increasingly active in Hebron in its calls for boycott of the elections (mostly due to ideological and religious convictions). A fight between Hizb ul Tahrir and Hamas supporters allegedly erupted on the last Friday before election day, inside a mosque during Friday prayer, and the megaphones present had broadcasted the ideological (and subsequent physical) fight to the entire neighborhood. Tension in mixed Tahrir /Hamas areas were said to be high.

Two separate individuals from the security forces informed the STO team about high ranking officials in the security forces giving out indirect orders to vote for Fatah, threatening that security personnel would not be paid if they voted for others or abstained, and threatened to fire anyone who informed outsiders about these “irregular indirect orders”. This came in addition to the general “call” on security forces to vote for Fatah, which was distributed to security centers and on the internet.

Opening Procedures

The opening procedures observed by the STO team were satisfactory. In one instance reported to team 1405, five NGO-observers from Hamas-related societies (Islamic Youth Society, Hebron Charitable Society) were banned from the polling-center (0642) due to accreditation cards with expiry dates in May 2005. This was blamed on the District Election Office, a complaint was filed and the matter was subsequently corrected so that the NGO-observers were provided access to the polling center within a couple of hours.

Voting Procedures

The voting observed by team 1405 was generally performed in an exemplary manner, and meticulously according to procedures. Some remarks are nonetheless necessary to compliment this overall impression.

The number of assisted voters was very high in some areas, including in urban polling centers, where it often amounted to 10% of the voters. The procedures surrounding assisted voters were not always clear, and on several occasions discussions arose
between local observers and polling staff. The reason for this uncertainty was blamed on conflicting messages from the CEO even as late as the last week leading up to the elections. All instances of assisted voting observed by team 1405, however, was deemed to be satisfactory.

The number of political representatives and local NGO-observers present in polling stations was generally high. There seemed to be a considerable degree of coordination and discipline among the local observers, in particular for what concerns representatives from Hamas and other Hamas-related societies.

In every polling center visited by the STO team on election day (14), representatives of Hamas were stationed outside the entrance of the polling center, all in possession of electoral lists (copies of the same lists that were present inside the polling stations), and often seated at a table. The representatives either noted which persons entered the polling center to vote, or they counted the number of voters entering the center. In some polling centers (5) representatives from Fatah were performing the same procedure outside the polling center, often at the opposite side from Hamas. In one polling center members of the tribe prevalent in the area had an electoral list of their own, resulting in a situation where “it was taken notice of” voters entering the polling center by three different unaccredited entities stationed at tables with electoral lists outside the polling center. The tension in this particular polling center was considerably higher than the average.

The two most convincing explanations given for this activity, was that they were conducting a “parallel system” to make sure the number of votes from the center corresponded to the number of voters they themselves observed entering the center (a kind of an “independent check-system”). The other explanation was to the effect that the voters in the area who had not been observed by 1700 hrs. would be contacted by representatives and “encouraged or reminded” to vote.

There were crowds of people, in particular youngsters and other local male residents, outside every polling center visited by the STO team. Campaigning in the sense of distribution of party-leaflets or small papers with instructions for who to vote for was abundant outside every polling center.

Very few or no complaints were filed at the polling centers visited by the STO team. However, one observation made during the day was slightly disturbing. At one polling center, already referred to twice, there was allegedly an incident where a polling staff member tried to convince a voter to cast his vote for Fatah as he was instructing him on the voting procedure. A quarrel ensued, and the voter refused to cast his vote. He contacted the local observers outside the station, and the local observers from Hamas-related Islamic Youth Society filed a complaint with the polling station in question on the man’s behalf. However, when team 1405 inquired about complaints, the complaint in question seemed to have vanished from the archive, no staff member could remember any complaints to that effect, nor had they heard about such an incident. We were informed that the only complaint the polling center had received, was one about accreditation cards in which case the blame laid with the District Election Office. Supposing the incident did take place, in this particular case, the complaint-system seemed to work when responsibility lay outside the polling center, but did not seem to respond as adequately when the alleged wrongdoing might indicate responsibility or potential deficiencies at the polling-center itself.

Closing Procedures
The closing procedures observed by the STO team happened on time and according to the book.

Counting
The counting witnessed by the STO team happened according to procedures. The process must be described as ‘very transparent’. Any doubt that arose was discussed among all staff, representatives and observers present (except the STO team, who declined the invitation) and subsequently decided only after everyone agreed. Every vote was shown to all, and everyone present counted. The counting of 381 (x2) votes consequently lasted 7 hours.

Tabulation
After the results were clear at polling center observed (Hamas received close to 90 %), the sealed ballot boxes and results were brought to the District Election Office escorted by two Hamas-vehicles. The reception of ballot boxes happened in an orderly manner, but the DEO was a complete chaos. The STO team was ordered to leave after 30 minutes by the LTO present.

Ramallah – STO Loretz Stavrum

Overview: The short time observer (STO) team’s area of responsibility (AoR) was the zone 6, 7 and 8 of the Ramallah region, situated north and northwest of Al Bireh north of Ramallah city. Observations on election day were done at 12 polling stations in the district, of a total of 26. The total number of registered voters in the AoR was 11,471.

Observation of the opening and voting: The overall impression of the team was that the polling was carried out correctly and according to the instructions and regulations in the election code and manual. There were no problems with the voter list, the registration of voters or the casting of votes. No significant error or shortcomings was observed. An exception was one of the two polling stations in the Jalazun refugee camp, where the poling station staff did not manage to keep order in the polling station. There was, however, campaigning going on in or very close to many polling stations, but there were no signs of complaints or serious unrest. On the whole, the atmosphere in the polling stations was good.

Observation of closing and counting: The procedure in the polling station observed was entirely according to the election code manual, and was conducted in a very competent way. No error or shortcoming whatsoever was observed, and no complaints were filed by any of the 16 present accredited national and international observers. The instructions for sealing, packing and transportation of ballots, ballot boxes and voting material etc. were punctually followed. The STO team accompanied the polling centre manager to the Central Election Commission in Ramallah, and supervised the transfer of the protocols according to the instructions.

The minor incidents of incorrectness the team observed and reported were mainly connected with somewhat unclear instructions concerning assistance of voters. A high
degree of campaigning on election day close to and even inside polling stations did not – however – seem to influence or intimidate voters.

The review of Complaints Process

There is reason to be concerned of the lack of formal, transparent mechanism for handling complaints and although a number of complaints have been sent to the CEC, no discernible action has been taken in most cases to enforce the law. The most serious complaint was related to a letter from the Chief of Civil Police of the West Bank, sent to all district police chiefs, where the Chief instructed police to vote in favour of the ruling party. This complaint was addressed only through an informal discussion between the CEC and the Office of the PA President.10

The LTO in Hebron experienced that the District Election Office (DEO) did not have a transparent attitude to the matter of complaints made to the DEO. During the campaign period the DEO admitted eventually that they had received three insignificant complaints. The PA police approached the LTO teams in Hebron with information (with documentation) alledging that the mosques were being used for political activities by Hamas. For some reason or another, these complaints were not forwarded to the DEO by the police. The DEO acknowledged that they had heard from different sources that the mosques were being used for political activity by Hamas but they never received any written complaint on the issue.

It was quite surprising for the LTO Team in Hebron that only one of the incidents of disturbances in the Hebron District was registered as a complaint at the DEO, and this was the incident at Idhna (PC 622) where the polling station was reported closed for 15 – 20 minutes. The DEO meant that this incident was nothing to bother about as there the polling centre only had been closed because of overcrowding.

10 The EU EOM preliminary statement.
Conclusions and recommendations

The overall impression is that the electoral process was efficiently administered by a professional and independent Palestinian Central Elections Commission (CEC).

As this report shows, the Palestinians managed to hold a democratic election that in general met the international standards. Even though this has been done under difficult circumstances, such as delays, occupation, restrictions on freedom of movements, violence in the pre-campaign period and political pressure to change the rules of the game in favour of the ruling party.

The outcome of this election also raises one major challenge in the future for the Palestinian establishment (and the international community) and that is to respect the victory of Hamas. As this might be an unpleasant result for some, it is still an outcome of a democratic election. This result must be viewed in light the widespread belief that corruption and nepotism has pervaded the Palestinian Authorities and Fateh, and it should therefore not come as a total surprise. The Palestinian Center for Policy and Survey Research (PSR) published the 21 of December 2005 the results of an exit poll for the fourth round of local elections on 15 December 2005 from Nablus, Ramallah, al-Bireh and Jenin. This exit poll shows that 56 % of the voters believe that their former local councils were corrupt, while 93 % believe that the newly elected councils will fight corruption.

The lack of party discipline within the Fateh movement was also noticeable. In some districts Fateh did not have a well coordinated campaign and many of the Fateh candidates were too busy doing campaign for themselves.

Another problem is that the Fateh leadership never understood the need for changes inside the Fateh movement before the election in order to be considered a united party in the election period; instead their congress was postponed a numerous times for various reasons. They also had the trouble with the primaries and the merging of the lists, and had internal problems in the Central Committee. In addition to the corruption issue, all this gave Fateh a bad starting point for winning the election.

The Palestinian legislative framework must be considered as some of the most modern of its kind in the Middle East. It has newly been revised (June 2005), but it still has some shortcomings.

The major objection is the mixed system of allocating the PLC seats, and how the 66 district seats of the 132 PLC seats are allocated. This is done by a simple majority system where the candidates with the most votes get elected. This system gives the largest party a disproportionately big advantage. This is also part of the explanation of why Hamas got 74 seats, a clear majority in the PLC.

In addition to reconsidering the mixed system, there are some other shortcomings in the legal framework that should be considered:

- There should be considered provisions for:
• Voting for security forces.
• Out-of-country voting.
• Absentee voting.
• House-bound, hospitalized or institutionalized voters.
• Voters in Palestinian prisons.
• Voters in Israeli prisons.
• The detailed provisions of the ballot paper marking (Election Law Art. 80, 4) should be considered changed to a less detailed provision, e.g. “the will of the voter should be clear.” Under the current provision any other way of ballot paper marking can/will make the ballot being declared void.
• The CEC should look into why there were a relative high number of ballot papers that were declared invalid and what could be done to reduce this problem.
• The CEC (and DEO on district level) should increase its transparency and should immediately announce detailed result for each district list and for each polling station together with the other announcements of the results.
• The CEC should be given the appropriate enforcement mechanism to ensure compliance with campaign regulations or punish violations of the law.

Comments on the election observation mission

The LTOs and the STOs was given most useful briefings in Oslo by NORDEM and the Norwegian Refugee Counsil before departure to the West Bank.

There were also briefings by the EU EOM Core Team upon arrival in Jerusalem, three days for the LTOs and one day for the STOs before deployment. The LTOs also had a Midterm briefing in Jeriko 14 - 15 January and debrief in Jerusalem after re-deployment 1 February 2006. In general all the briefings were well prepared and held a good/acceptable standard.

The Core Team generally did a very good job and served the LTOs in the field well.

Working in occupied territories did generate the need for special precautions and this was generally well taken care of by Core Team. Much of the responsibility for the security relied on the LTOs in the field and there were therefore a close cooperation between the Security Officer in Core Team and the Security Warden (one LTO in each district). This arrangement kept the balance of necessarily distance from the field and the local knowledge of local situation, and is highly recommended.

The information flow between Core Team and the LTOs in the field also worked well and there were no major problems in this matter. The Core Team was very active in visiting the LTOs in the field, something that was viewed as very positive. For example
there was during the mission a threat made by al-Aqsa Martyr Troops against the EU EOM observers in Jenin and Tubas. The EUEOM immediately took all appropriate steps. The LTO teams in Jenin/Tubas were instructed to remain in their accommodations guarded by police forces during the night and in daylight movements were restricted had to be cleared by EUEOM Mission management. However the decision to remain in Jenin was based on advice from the LTOs in the area.

There were three LTO Team deployed in Hebron, and this could preferably be reconsidered in future missions. Three teams in one districts is challenging and demands a need for coordination and information flow that is time consuming.

Most of the material made by EU EOM, such as visiting cards, reports and the mission’s website, etc. were made in English version only. More efforts should be made to produce the material also in Arabic versions (local language) in future mission.

At the end of the mission there was growing tension in the region sparked by the printing of the cartoons of the Prophet Muhammad in Danish and Norwegian newspapers. Core Team had special focus on this matter, especially in Hebron where there were both Norwegian and Danish LTOs deployed. Also NORDEM/NCR gave this matter special attention. This issue of the cartoons did not affect the mission as the tension first escalated to a violent level after the re-deployment of the LTOs.

The use of IOM as an external service provider

The use of IOM an external service provider seemed not to function. It should be considered to integrate logistics into EU EOM (or any other external service provider) or put external service providers in the chain of command from the Core Team. This was not the case in this mission and caused unnecessary problems.

In future missions LTOs should consider making personal contact with the Core Team regarding arrival as the IOM did not manage to prepare the arrival of the Norwegian (and Swiss LTOs) – this in spite of several mails from NORDEM/NCR. Experienced LTOs gave the feedback that this was not unusual for Norwegians and Swiss LTOs as they are not part of the EU system.

Appendices

Observing organisation’s statement/preliminary report

(not published in the web edition)