

Democracy in Conflict

NORDEM SPECIAL REPORT 2006

By Nils Butenschøn and Kåre Vollan



UNIVERSITY OF OSLO
Norwegian Centre for Human Rights

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Report on Elections for Local Councils, President, and Legislative
Council in the Occupied Palestinian Territory 2004-2006.

By Nils Butenschøn and Kåre Vollan

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Nils Butenschøn and Kåre Vollan: Democracy in Conflict
A NORDEM Special Report on Elections for Local Councils, President, and
Legislative Council in the Occupied Palestinian Territory 2004-2006

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NORDEM, the Norwegian Resource Bank for Democracy and Human Rights,
is a programme of the Norwegian Centre for Human Rights (NCHR)
The NCHR is a cross-disciplinary Centre at the Faculty of Law, University of Oslo.
The Centre is Norway's National institution for Human Rights

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ISBN 10: 82-8158-035-6
ISBN 13: 978-82-8158-035-0

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Produced and printed by: Mediehuset GAN 01/07
Editor: Hege Mørk

Preface

The first elections organised by the Palestinian Authority established on the basis of the Oslo Accords were held in 1996. When new elections on the Occupied Palestinian Territory were planned for 2005 and 2006, NORDEM recognised a need to assess and analyse the elections processes that had taken place more in depth and coherently. NORDEM initiated a research project in order to publish a specialised report, and Mr. Nils Butenchøn and Mr. Kåre Vollan were asked to take on the assignment which they accepted to do. The idea was to produce a report along the same lines as the report published in 1996 “Interim Democracy. Report on the Palestinian Elections, January 1996” written by the same authors.

Nils Butenschøn is Associate Professor of International Relations at the Norwegian Centre for Human Rights, and has followed Palestinian and Israeli politics over many years. In the current report he covers the legal and political contexts that should be taken into consideration for a broader understanding of the elections themselves.

Kåre Vollan has as an independent international expert on election processes participated in the elaboration of the new Palestinian Election Law and has extensive knowledge of the processes and stakeholders who were involved in the preparations to the elections. He was also assigned by the Ministry of Foreign Affairs as an advisor during the Presidential Election in 2005 and to work with the Palestinian Central Election Commission when a referendum was planned in the summer of 2006.

In relation to both the Palestinian Presidential Election in January 2005 and the election to the Palestinian Legislative Council in January 2006, Norway also contributed through NORDEM with altogether 21 observers to the EU Election Observation Missions established in connection to mentioned elections. NORDEM Reports have been written and published for both these elections separately and can be found at www.humanrights.uio.no.

The report has been supported by the Norwegian Ministry of Foreign Affairs.

Hege Mørk
Programme Director
NORDEM.

List of Contents

Preface	3
List of Abbreviations and Expressions	9
Introduction	13
1. The Legal Framework of the Palestinian Authority	17
1.1 Introduction	17
1.2 The Occupied Palestinian Territory in International Law. The Advisory Opinion of the International Court of Justice	18
1.3 The Oslo Accords and the Question of ‘Permanent Status’	21
1.4 The Status of the PA in the “Oslo Framework”. A Brief Summary	23
1.5 The Basic Law	25
1.6 Concluding Remarks	26
2. The Political Framework	29
2.1 The Undecided Aim of the Peace Process	29
2.2 Competing and Asymmetrical Processes of State-building	31
2.3 1996-2000: The Stumbling Peace Process	33
2.4 The Disintegration of Political Authority	37
2.5 The raise of Hamas	40
2.6 The Secular Opposition: A Third Force?	42
2.7 The Al-Aqsa Intifada and Beyond	44
2.8 The Further Advance of Hamas into Palestinian Body Politics	46
3. The 1996 Elections	55
4. The Block Vote System – First-Past-the-Post in Multi-Member Constituencies	57
5. The Election Legislation. Background and Features	63
5.1 The Oslo Accords and the 1995 Election Law	63
5.2 The Basic Law	65
5.3 The 1995 Election Law as Amended for the Presidential Election in 2005	67

5.4 The General Election Law of 2005	67
5.5 The Local Election Law	77
6. The International Pressure for Palestinian Reform and Elections	81
6.1 The Quartet and the Roadmap	81
6.2 The Task Force on Palestinian Reform	84
6.3 The Delegations Assessing Condition for Meaningful Elections in 2002	85
7. A New System of Representation and the Drafting of a New Election Law	89
7.1 Some NGO Initiatives	89
7.2 The Drafting by the PLC Legal Committee	91
7.3 The PLC Readings	97
8. The Voter Registration	103
8.1 The Preparatory Steps	103
8.2 Voter Registration Statistics	105
8.3 Voter Registration in Jerusalem	107
9. The Presidential Elections on 9 January 2005	109
9.1 Main Assessment	109
9.2 Freedom of Movement	111
9.3 Elections in East Jerusalem	111
9.4 The Legal Framework	112
9.5 Voter Registration	113
9.6 The CEC Decision to Change the Rules on Election Day	114
9.7 The Results	116
9.8 Election Observation	117
9.9 Conclusions	118
10. The Local Elections in 2004 and 2005	119
10.1 The Election Administrative Bodies	121
10.2 The Election Administration	122
10.3 The Voters Registers	123
10.4 Observations from Election Days	124
10.5 Election Appeals	125
10.6 Election Results	126
10.7 The Impact on the PLC Electoral System	128
11. The PLC Elections	129
11.1 General	129
11.2 Election Administration	129
11.3 Registration of Parties	130
11.4 Nomination of Candidates	133
11.5 Voting by Security Personnel	135

11.6 The Overall Assessment of the Elections Process	137
11.7 Freedom of Movement	140
11.8 Publication of Results	141
11.9 Results Analysis	141
11.10 Polling Centres, Polling Stations and Election Observation	144
11.11 Exit Polls	144
12. The Announced Referendum on the Prisoners' Document	145
12.1 Background	145
12.2 Referenda in a Palestinian Context	146
12.4 Future Referenda	149
13. Recommendations for the Future	151
13.1 Elections under Occupation	151
13.2 Systems of Representation	151
The PLC	151
The Presidency	154
13.3 Common Law on Elections and Referenda	154
13.4 Election Administration	154
13.6 Referenda	155
13.7 Partial Results	156
13.8 Rules for Quotas in Municipal Elections	156
13.9 Updating the Voters Registers	156
13.10 The Regulations of the District Election Offices	156
Appendix 1	158
The casualties in the Palestinian – Israeli conflict from October 2000 to June 2006.	
Appendix 2	159
List of electoral laws being referred to in the report	
Appendix 3	160
From Annex II to the Israeli- Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995	
ARTICLE VI	160
Appendix 4	162
The Cairo Declaration 17 March 2005	
Appendix 5	163
Full Text of the National Conciliation Document of the Prisoners ("Prisoners' Document"), May 11, 2006	

Appendix 6	168
Overall Seats Distribution – PLC 2006	
Appendix 7	169
The List PR Results – PLC 2006	169

List of Abbreviations and Expressions

Block vote: A plurality based system (FPTP) in multi-member constituencies.

CEC: The Central Election Commission – Palestine.

CEO: Chief Election Officer.

Compensatory seats: Seats allocated on the basis of the total results of an election in order to produce a result for the full membership of an elected council as close as possible to a proportional one. Compensatory seats are used where part of the seats are distributed based upon geographical constituencies and the result when added up for the whole country or territory will generally not be proportional. The proportional part of the MMP system consists of compensatory seats and in many countries compensatory seats are used in combination with proportional elections in multi-member constituencies.

Constituencies: (Most often) geographical units or district organised for electoral purposes.

CR: Civil registers.

DEC: District Election Commission.

DOP (Oslo I): Declaration of Principles on Interim self-Government Arrangements 1993.

ERSG: Election Reform Support Group.

FPTP or First-past-the-post: A system of representation where the candidate(s) with the highest number of votes are elected.

HCLE: The High Commission for Local Elections

ICJ: International Court of Justice.

IDF: Israeli Defence Forces

IFES: Originally “Foundation for Election Systems”. An institute for promotion of democracy and support of elections, Washington.

International IDEA: International Institute for Democratic and Electoral Assistance, Stockholm.

Interim Agreement: (Oslo II): Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Israel-PLO 1995.

Intifada: Palestinian uprisings 1987-1993 and 2000-.

IRI: International Republican Institute, Washington.

List PR: A system of proportional representation based upon candidate lists most often nominated by parties. The most commonly used mathematical formulae for distributing the seats are divisor methods such as Sainte-Laguë and d’Hondt or the method of largest remainder.

Majority based system: A system of representation where candidate(s) need at least 50% of the votes to be elected.

Mixed system: Some times used to cover both the MMP as well as the parallel systems. In Palestine it was often used for the parallel system, but in this report we restrict the term for MMP.

MMP or Mixed member proportional system: A system of representation where the one part (most often half) of the seats are filled using a plurality or majority based system and the other part by a system of proportional representation, but where the proportional formula is used on the full membership of the elected council to get a close to proportional result for the whole council. The system is proportional.

Multi-member constituencies: Constituencies where the voters elect more than one member of the elected council.

NDI: National Democratic Institute, Washington.

NORDEM: Norwegian Resource Bank for Democracy and Human Rights, a programme managed jointly by the Norwegian Centre for Human Rights at the University of Oslo.

OPT: Occupied Palestinian Territory

Oslo Accords: The name for the agreements entered into by Israel and PLO between 1993 and 1995.

PA: Palestinian Authority.

Parallel system: A system of representation where the one part (most often half) of the seats are filled using a plurality or majority based system and the other part by a system of proportional representation – without any connection between the results of the two. The system is often called semi-proportional.

PLC: Palestinian Legislative Council.

PLO: Palestine Liberation Organisation.

Plurality based system: A system of representation where the candidates with the highest number of votes are elected; the same as FPTP.

Proportional representation: A system of proportional representation will produce a distribution of seats which is close to proportional to the number of votes cast by an electorate. The most common system of the kind is List PR but the single transferable vote system also comes under this category.

Single-member constituencies: Constituencies where the voters elect one member of the elected council.

USAID: United States Agency for International Development

UNRWA: United Nations Relief and Works Agency for Palestine Refugees in the Near East

VR: Voters registers

Introduction

NORDEM organised a major observation effort during the 1996 elections in the Palestinian Territories at request of and under financing by the Norwegian Ministry of Foreign Affairs. As a result NORDEM published the comprehensive report: *Interim Democracy. Report on the Palestinian Elections January 1996* edited by the same authors as the present report¹. The report covered the political background and the electoral process in detail and it included some studies into separate issues related to the elections.

During the elections of 2004, 2005 and 2006 Norway did not organise separate observer teams. The Norwegian Ministry of Foreign Affairs (MFA) did, however, fund a number of assignments where Nils Butenschøn and Kåre Vollan participated in close contact with and the Norwegian Representative Office to the Palestinian Authorities. Kåre Vollan was also part of two pre-election missions to the Palestinian Territories in 2002 and 2003 seconded by the Norwegian MFA into American teams. In 2004 he assisted the Legal Commission of the Palestinian Legislative Council in drafting a new election law as a consultant from IFES². In 2006 he has assisted the Central Election Commission on strategic issues again on assignment for the Norwegian MFA and the Norwegian Representative Office to the Palestinian Authorities.

The current report summarises political developments from 1996 up to the 2006 elections and gives a detailed account of the presidential elections, PLC elections and the local elections held in 2004 to 2006. In addition the development of the Palestinian electoral bodies, international involvements in the process, the legal reforms and the political issues related to elections are covered in some detail from the change of the US policy in 2002 to the planned and later cancelled referendum in 2006.

The assessments offered in this report are inevitably flavoured by the roles the authors have had during this period. They have been able to not only observe but also actively participate and possibly influence some developments, which has given them a unique insight into the matter.

¹ Nils Butenschøn and Kåre Vollan (eds.): *Interim Democracy. Report on the Palestinian Elections January 1996*. Human Rights Report No. 7, 1996. Norwegian Institute of Human Rights. Oslo. ISSN No. 0804-0672.

² A Washington based independent institute for elections and democracy assistance.

The assessments of the actual elections are, however, mainly based upon the conclusions of the main international observation missions from EU and NDI³ and the Carter Center.

Comments and proposals are included in the various sections. In the last section the main suggestions for the future are summarised.

Election results and statistics are presented in detail in the appendices. Some of the information is not readily available, in particular from the local elections. Thanks to very comprehensive work by the NDI it has been possible to reconstruct part of the information, even though the lack of official information may mean that there are mistakes in some of the details given.

The Central Election Commission (CEC) has published statistics and information about the elections that they have been in charge of. In addition they have been very helpful in providing information on request. Should there be any mistakes in the information given, the authors take the full responsibility.

The author of Part I is Nils Butenschøn and of Part II Kåre Vollan but they are jointly responsible for the entire report.

³ National Democratic Institute.

Part I

The Palestinian Elections in the Context of International Law and Recent Political Developments

1. The Legal Framework of the Palestinian Authority

1.1 Introduction

The extraordinary circumstances under which elections in the Occupied Palestinian Territory (OPT) have taken place since the establishment of the Palestinian Authority (PA) in 1994 have many aspects. The first elections for president of PA and members of the Palestinian Legislative Council (PLC) were organised in January 1996. In 2005 and 2006 elections have been held for President, PLC and local councils. To understand these circumstances and the controversies that surround them, the legal framework is arguably one of the most important.

We are not dealing with elections for political institutions of an internationally recognised state. The elections may on the face of it resemble elections for a transitional national government in a post-conflict situation, but the Palestinians' conflict with Israel has not yet been settled, not on paper and not on the ground. Furthermore, the elections, both in 1996 and later, have been held for an "authority", not even fully recognised as a national authority, with limited powers and with a yet-to-be defined status. The most exceptional aspect of the situation is not only that elections are being organised under occupation, but that the Occupying power is a contender for sovereignty in (parts of) the occupied territory, as is evident in the legal documents defining the legal framework of the elections.

In addition, related to the fact that there is still a situation of occupation and conflict, the elections have had to be organised under widespread constraints on civil and political rights, including freedom of movement and freedom of association and assembly. These and other violations of contemporary international standards of humanitarian and human rights law (like house demolitions, excessive use of force etc) are executed by the Occupying power with reference to legal provisions enacted by and inherited from previous rulers and adopted to a varying degree and amended by Israeli military orders.⁴

⁴ Such provisions have been taken from the Ottoman Empire, the Hashemite kingdom of Jordan (in the case of the West Bank) and British Mandate authority (in the case of the Gaza Strip). See International Commission of Jurists and the Center for the Independence of Judges and Lawyers, 1994, *The Civilian Judicial System in the West Bank and Gaza: Present and Future*, Geneva: International Commission of Jurists and the Center for the Independence of Judges and Lawyers, pp. 11-15.

New legislation have been enacted by the Palestinian Legislative Council (PLC) elected in the first general Palestinian elections in January 1996 with a view to initiate democratic reforms and establish a unified legal system based on modern standards of the rule of law. Most importantly this includes a Basic Law adopted in 2002 and amended in 2003 and 2005. The reforms have strengthened the Palestinian political system, but their effects have until now been limited due to the breakdown of the peace process, partimomialism and authoritarianism in the exercise of power by the PA President and Executive, and the disintegration of the self-governing Palestinian institutions, particularly since the outbreak of the Al-Aqsa intifada in the autumn of 2000.

1.2 The Occupied Palestinian Territory in International Law. The Advisory Opinion of the International Court of Justice

As indicated, these complex and for the Palestinian population extremely difficult circumstances reflect the still unresolved underlying contentious issues related to the status of the Occupied Palestinian Territory under international law. It is not the purpose of the present study to analyse conflicting legal arguments on that question as presented by the parties involved⁵. What follows is a short discussion of the position as stated by the most authoritative international legal body that has dealt with the question, namely the International Court of Justice (ICJ) in its Advisory Opinion from 2004.⁶ The ICJ as a United Nations court was responding to a question from the General Assembly in its resolution ES-10/14 of 8 December 2003 that requested an advisory opinion on “the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territories”.⁷ In order to answer the question the court had to clarify its position on the legal status of the OPT. Any serious discussion on political system formation in the OPT, including elections as a core element in such system formation, must relate to this opinion.

The most striking aspect of the advisory opinion is the overwhelming agreement among the fifteen sitting judges on the basic issue of the status of the OPT and the legal consequences that follow. This consensus includes Thomas Buergenthal, the American judge (and renowned human rights expert), even though he voted against the conclusions in the advisory opinion relevant to the construction of the wall. The reason he gave for voting against was that in his opinion the Court had been presented with insufficient facts on Israel's security concerns and

⁵ See for example, Bowen, Stephen (ed.) 1997, *Human Rights, Self-Determination and Political Change in the Occupied Palestinian Territories*, Cambridge, MA: Kluwer Law International; Feinberg, Natan 1971, *On the Arab Jurist's Approach to Zionism and the State of Israel*, Jerusalem: The Magnes Press, The Hebrew University; de Waart, Paul J. I. M., 1996, *The Legal Status of Palestine Under International Law*, Bir Zeit: Bir Zeit University, Law Centre.

⁶ The International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 9 July 2004 available at <http://www.icj-cij.org>.

⁷ “The wall” refers to what Israel describes as a “security fence” to halt infiltration from the West Bank. A plan for this purpose was approved by the Israeli Cabinet in July 2001. On 14 April 2002 it adopted a decision to start construction works. *Ibid.*, para. 80.

should consequently have declined to render the requested advisory opinion.⁸ In a separate declaration, he stated however that “I share the Court’s conclusion that international humanitarian law, including the Fourth Geneva Convention, and international human rights law are applicable to the Occupied Palestinian Territory and must be faithfully complied with by Israel.”⁹

There is no disagreement therefore within the ICJ as the authoritative legal body of the international society that international law relevant to occupied territories apply to the OPT and that indeed these territories are “occupied”. The Court discusses in some length the Israeli position that the Fourth Geneva Convention does not apply *de jure* to the OPT because of “the lack of recognition of the territory as sovereign prior to its annexation by Jordan and Egypt”. The Court does not accept this argument and concludes that the “Convention is applicable in the Palestinian territories which before the conflict [in 1967] lay to the east of the Green Line¹⁰ and which, during the conflict, were occupied by Israel, there being no need for any enquiry into the precise prior status of those territories.”¹¹ This conclusion is based, *inter alia*, on a brief discussion of relevant legal documents relevant to the question of Palestine since the country was established as a class “A” Mandate under the League of Nations in 1922, establishing the boundaries of Palestine as a state territory. The fact that what is today identified as the Occupied Palestinian Territory was annexed or administrated by external powers for a certain period of time before 1967 does not impinge on the status of the OPT as a Palestinian state territory.¹² Summing up the discussion, paragraph 78 of the ICJ advisory opinion states:

The court would observe that, under customary international law as reflected in Article 42 of the Regulations Respecting the Laws and Costumes of War on Land annexed to the Fourth Hague Convention of 18 October 1907 ..., territory is considered occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised.

The territories situated between the Green Line and the former eastern boundary of Palestine under the Mandate were occupied by Israel in 1967... Under customary international law, these were therefore occupied territories in which Israel had the status of occupying Power. Subsequent events in these territories, have done nothing to alter this situation. All these territories (including East Jerusalem)

⁸ The Israeli government decided not to address ICJ, except for a limited Written Statement, because it did not accept that the Court had jurisdiction to render an advisory opinion as requested. The Court discusses the question of “sufficient facts” in paras. 55-58.

⁹ See “Declaration of Judge Buergenthal”, available at the ICJ homepage, *supra* note 3.

¹⁰ The “Green Line” designates Israel’s internationally recognised borders and refers to the armistice demarcation line (drawn in green) between Israeli and Arab forces established in the Rhodes Agreement on 3 April 1949.

¹¹ Para 101. (Emphasis added).

¹² The Court does not discuss the status of territory occupied by Israel in the 1948-49 war and that was allotted to the Arab state or a permanent international trusteeship by the UN Partition Resolution 181 (1947). This trusteeship includes West Jerusalem, and is why Tel Aviv is the internationally recognized capital of the State of Israel.

remain occupied territories and Israel has continued to have the status of occupying Power.¹³

The Court furthermore discusses doubts that have been expressed by Israel as to the applicability in the OPT “of certain rules of international humanitarian law and human rights instruments.”¹⁴ First, the advisory opinion observes that it is a basic rule that “No territorial acquisition resulting from the threat or use of force shall be recognized as legal.”¹⁵ Secondly, as regards “the principle of self-determination, the Court observes that the existence of a “Palestinian people” is no longer in issue.”¹⁶ Reference is made in this context to the exchange of letters of 9 September 1993 between Yasser Arafat, at the time President of the PLO, and the Prime Minister of Israel Yitzhak Rabin. In reply to PLO’s explicit recognition of “the right of the State of Israel to exist in peace and security” and other commitments, Rabin states that, in light of those commitments, “the Government of Israel has decided to recognize the PLO as the representative of the Palestinian people”.

A reference is also made to an earlier ruling by the Court whereby it emphasises that current developments in “international law in regard to non self-governing territories, as enshrined in the Charter of the United Nations, made the principle of self-determination applicable to all [such territories]”.¹⁷ Thirdly, the Court discusses the Israeli contention that in addition to the *de jure* inapplicability of the Fourth Geneva Convention, a basic instrument of international humanitarian law, international human rights law does not apply to the OPT because it only applies in times of peace. Israel has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as the United Nations Convention on the Right of the Child. In conclusion, the Court finds beyond doubt that all the said human rights instruments apply to the OPT.¹⁸

Two observations are of particular interest: “The Court would observe that, while the jurisdiction of States is primarily territorial, it may sometimes be executed outside the national territory. Considering the object and purpose of the International Covenant on Civil and Political Rights, it would seem natural that, even when such is the case, States parties to the Covenant should be bound to

¹³ Emphasis added. Since the publication of the advisory opinion in July 2004 Israel has ‘disengaged’ from the Gaza Strip, by removing its settlers and withdrawing its military troops. However, since Israel continues to have de facto military control over the territory and its borders and since the Gaza Strip and the West Bank constitute a single territorial unit, “[t]he withdrawal of Jewish settlers from Gaza should be seen as the decolonization of Palestinian territory. This does not affect Israeli control of the territory, which will remain. Consequently, Israel will remain an occupying Power in respect of Gaza, subject to the international humanitarian law applicable to occupied territory.” *Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967*, para. 10, United Nations A/60/271.

¹⁴ Para. 86.

¹⁵ Para. 87, citing GA resolution 2625 (XXV) (1970) pursuant to Art. 2, para 4, of the UN Charter.

¹⁶ Para. 118.

¹⁷ Para. 88.

¹⁸ Paras.. 102-113.

comply with its provisions.”¹⁹ Moreover, “It would also observe that the territories occupied by Israel have for 37 years been subjects to its territorial jurisdiction as the occupying Power. In the exercise of the powers available to it on this basis, Israel is bound by the provisions of the International Covenant on Economic, Social and Cultural Rights. Furthermore, it is under obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to Palestinian authorities.”²⁰ Finally, referring to a number of Security Council resolutions, the Court “concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.” It refers, *inter alia*, to resolution 465 (1980) where the Council describes “Israel’s policy and practices of settling parts of its population and new immigrants in [the occupied] territories” as a “flagrant violation” of the Fourth Geneva Convention which is the main legal source in this context.²¹

On the basis of the ICJ advisory opinion we can safely conclude that the status of the Occupied Palestinian Territory under international law is not particularly ambiguous or disputed among the most authoritative international experts on international law. The territory, including East Jerusalem, is occupied, the Palestinian people has the right to national self-determination, all relevant rules and instruments of international humanitarian law and international human rights law apply, and all Israeli settlements in the OPT, including in and around East Jerusalem, are illegal. Diplomatic developments resulting in a number of Israeli-Palestinian agreements and the establishment of Palestinian proto-state institutions, as well as the unilateral Israeli withdrawal from and decolonization of the Gaza Strip do not fundamentally alter this legal situation.

1.3 The Oslo Accords and the Question of ‘Permanent Status’

Whether or not one considers the Oslo Accords “dead” or “alive”, “relevant” or “irrelevant” in today’s political setting, they “have irreversibly altered the legal and political landscape in the Middle East. Even if the peace process remains stalled for the next decade, the Accords will continue to furnish the basis for Israeli-Palestinian relations, to serve as a sort of ‘Basic Law’ or constitution for an unhappy polity.”²² ‘The Oslo Accords’ refers to the Declaration of Principles on Interim Self-Government Arrangements, Israel-Palestine Liberation Organisation (DOP or “Oslo I”), signed 13 September 1993 and subsequent implementing agreements, notably the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Israel-PLO (“Oslo II”), signed 28 September 1995.

¹⁹ Para. 109.

²⁰ Para. 112.

²¹ Para. 120. Paragraph 6 of Article 49 of the Fourth Geneva Convention provides that “the Occupying Power shall not deport or transfer parts of its own civil population into the territory it occupies”. As judge Buergenthal explains in paragraph 9 of his Declaration (see *supra* note 6), this provision of the Fourth Geneva Convention “does not admit for exceptions on grounds of military or security exigencies.”

²² Watson, G. R. 2000, *The Oslo Accords. International Law and the Israeli-Palestinian Peace Agreements*, Oxford: Oxford University Press, p. ix.

The Oslo Accords do not constitute a peace settlement between the State of Israel and the PLO, but agreements on a method and time-tables for reaching a lasting solution and interim institutional and security arrangements. The Oslo I and Oslo II Agreements are not treaties in the legal sense, since the PLO is not a state. The Accords could however be seen as legally binding as agreements between subjects of international law.²³ The most contentious issues related to questions of sovereignty, borders, Jewish settlements in OPT, the future status of Jerusalem, and the rights of Palestinian refugees to return to their country were to be negotiated in “permanent status negotiations” to be concluded by the end of a five year interim transitional period (that expired in May 1999). The parties agreed that nothing should be done in the interim period that could change the status of the OPT or prejudice future negotiations over the permanent status issues. Article xxxi of the Oslo II Agreement, paragraphs 6 and 7, states:

- 6 Nothing in this Agreement shall prejudice or pre-empt the outcome of the negotiations on the permanent status to be conducted pursuant to the DOP. Neither Party shall be deemed, by virtue of having entered into this Agreement, to have renounced or waived any of its existing rights, claims or positions.
- 7 Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations.

A critical question that arises from these core paragraphs is what “status” paragraph 7 refers to, considering the fact that the parties to the Accords fundamentally disagree on that question and that their conflicting positions and claims have not been forsaken or changed by entering into the agreements, as stated in paragraph 6. Paragraph 7 therefore does not refer to a status that the parties agree upon or to the status of the OPT under international law as expressed in all relevant UN General Assembly and Security Council resolutions, confirmed by the ICJ in its advisory opinion as discussed above. On the contrary, the cited paragraphs leaves the question of the legal status of the OPT open to conflicting interpretations, giving Israel a reference for its claim that the status of the territories is ‘disputed’.²⁴

This “agreement not to agree” as regards the legal status of the territories explains on the one hand how it was possible for the parties to enter into the Accords in the first place, but also why they had such opposing approaches to the implementation of the agreements. In contrast to their stated commitments in the Oslo Accords, the parties did almost everything that they considered politically possible to pre-empt the outcome of future negotiations on the permanent status. This was

²³ See discussion in *ibid.*, chapters 3-5.

²⁴ Article I of the DOP states that “[t]he aim of the Israeli-Palestinian negotiations ... is ... to establish a Palestinian Self-Government Authority, ... leading to a permanent settlement based on Security Council Resolutions 242 and 338.” This gives the impression that the process is based straightforward on UN resolutions. However, Israel’s interpretation of resolution 242 is that it is not required to withdraw from all territories occupied in 1967, an argument not accepted by the ICJ (see para. 78: “All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power.”).

to be expected for a number of reasons. First, there was no mechanism for third party monitoring of the implementation of the Accords and consequently no provisions for sanctions to be imposed in cases of any party breaching their commitments. Secondly, each party knew that it was almost impossible for the opponent to officially call off the historic peace process given the way it was initiated and the international support it had attracted. Thirdly, nationalists on both sides were critical towards or totally against the Accords, putting considerable pressure on the respective political leaderships to demonstrate national “steadfastness” in the OPT.

Given the extreme imbalance in power resources between the parties Israel could exploit this situation in order to expand settlements and impose restrictions on the movements of the Palestinian population in the OPT. The Palestinian Authority on its side was not able or willing to prevent militant organisations from continuing armed resistance and terrorist attacks against Israelis.

Since the signing of the DOP in 1993 the Israeli-Palestinian conflict has focused on the question of the future status of the OPT. Whereas the Palestinians have based their claims on the position that all Palestinian territories occupied by Israel in 1967 should be handed over to Palestinian authority as the territorial foundation for a future independent and sovereign state, the Israelis have challenged this position and never renounced their self-proclaimed rights to expand the Israeli-Jewish society into parts or the entire OPT. This has been possible with the tacit support (or non-opposition) by the USA. Thus it has not been possible for the Security Council to impose sanctions or other mandatory measures to force Israel to comply with UN resolutions. On the other hand, in terms of prevailing international law, Israel has not been able to change the status of the OPT as ‘occupied’ as clearly demonstrated in the advisory opinion by the ICJ. It is worth noting that the Oslo Accords (and agreements pursuant to those accords, including the 2003 Roadmap to peace) – which could be taken to advocate the view that the OPT is not ‘occupied’ but ‘disputed’ – have not in any way impacted on the legal status of the OPT. Thus, international humanitarian and human rights law relevant to occupied territories are fully applicable to the West Bank, including East Jerusalem, and the Gaza Strip.

1.4 The Status of the PA in the “Oslo Framework”. A Brief Summary

The aim of the five year interim period of the peace process initiated by the Oslo Accords was “to establish a Palestinian Interim Self-Government Authority, the elected Council, for the Palestinian people in the West Bank and the Gaza Strip”.²⁵ The first step towards Palestinian self-rule was taken in May 1994 (about five

²⁵ See Oslo I, Art. I and Oslo II Preamble. In the documents, the Authority is referred to as “the Palestinian Authority” (PA). In most Palestinian documents and literature, including the Palestinian Basic Law, it is referred to as “the Palestinian National Authority” (PNA).

months later than stipulated by the DOP) when a Palestinian National Authority (recognised in the relevant agreements as the Palestinian Authority) organised by the Tunisian-based PLO and its President Yasser Arafat was given limited control in the Gaza Strip and the Jericho area, the terms of which were regulated by the so-called Cairo Agreement. This was the outcome of intensive negotiations pursuant to the signing of DOP in September 1993, including eight months of negotiations in Paris on an economic protocol.²⁶

At this stage the leadership of the fist PA was not elected by the people of the OPT, but mostly selected by Arafat himself from among the PLO elite and loyal supporters in the OPT. The next step in the implementation of the DOP was to organise elections for self-governing Palestinian institutions and setting up the infrastructure needed for such a proto-state to function in the transitional period until a permanent peace settlement had been concluded. An extensive interim agreement for that purpose, superseding all previous agreements, was concluded 28 September 1995, about one year later than stipulated by the DOP.²⁷

Since the permanent status negotiations at the time of writing have not been successfully concluded, the Interim Agreement is still in effect as a basic legal and political reference regulating Israeli-Palestinian relations in the OPT, including the modalities for elections. It is in effect a constitutional document defining the limits of authority of the current political regime of the OPT within the wider framework of Israeli occupation. It establishes a kind of “power-sharing arrangement” between the occupying Power and representatives of the occupied people. For our purpose two questions should be clarified in this connection: What was the extension of the jurisdiction given to the elected Council and how was it to be elected?

The most relevant provisions in the Interim Agreement can be briefly summarised as follows:

- The jurisdiction of the Council and its Executive Authority covers the West Bank and the Gaza Strip as a single territorial unit, except for issues that will be negotiated in the permanent status negotiations.²⁸
- The jurisdiction does not include East Jerusalem, but Palestinians of that city have the right to participate in elections for the Council and the President (Ra’ees) of the Executive Authority, a right somewhat restricted according to special provisions.²⁹
- The Council possesses legislative and executive powers as stipulated in the

²⁶ “Israel-PLO Agreement on the Gaza Strip and the Jericho Area, Cairo 4 May 1994” and “Special Document: Israel-PLO Protocol on Economic Relations, Paris, 29 April 1994”, *Journal of Palestine Studies* 3, no 4 (Summer 1994): 103-126. The Paris Protocol was incorporated into the Cairo Agreement.

²⁷ “Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Washington, D.C., September 28, 1995”, Israel: Ministry of Foreign Affairs, Jerusalem.

²⁸ With reference to the DOP, these are defined in Chapter 3, Article XVII(1)(a) as: “Jerusalem, settlements, specified military locations, Palestinian refugees, borders, foreign relations and Israelis”.

²⁹ Specified in Annex II, article VI.

Accords relevant to the gradual transfer of authority, powers and responsibilities. These powers do not apply equally to all parts of the West Bank and the Gaza Strip, despite the general recognition that these territories constitute a “single territorial unit”³⁰. A major distinction is made between “populated” and “non-populated” areas (Jerusalem not included), defined in maps annexed to the Oslo II Agreement as “Area A”, “Area B” and “Area C”³¹. In Area A, the PA was gradually to acquire jurisdiction in all areas except those associated with state sovereignty (such as border control, army, foreign relations, and currency) and otherwise as restricted by existing and future agreements. Israelis (settlers and others) residing in the OPT are also outside the jurisdiction of the PA. Area B was to be placed under Palestinian civil control and Israeli security control (in coordination with PA) and Area C was to remain under the Israeli Military Administration.

- It was agreed in article X that Israeli military forces would “redeploy” (withdraw) from areas A and B to specified military locations 22 days prior to the holding of Palestinian elections, and that further withdrawals would take effect in three stages following the inauguration of the Council and completed no later than 18 months from that date.
- Whereas the scope and authority of the institutions of the limited self-governing institutions were spelled out in detail, only certain provisions for an Election Law and the practical arrangements for holding elections in the OPT were identified in the Interim Agreement. These provisions, however, formed the basis for the Palestinian Election Law decreed by Yasser Arafat in December 1995. (For a further discussion of the crafting of electoral legislation, see Section 5 below).

1.5 The Basic Law

The PLC passed a draft Basic Law in 1997. It took President Arafat until May 2002 to sign the law, and it came into force on 7 July 2002. The Basic Law is an interim constitution for the period until the PA is constituted as state government. The Oslo Accords and the Basic Law do not provide for a government separate from the administration of the PA President. It was the PLO that was mandated to carry out the state functions of the Palestinian people in its recognised capacity as the legitimate representative of the Palestinian people (also recognised by Israel). Cabinet ministers were appointed individually by the president and no prime minister was appointed.

³⁰ Oslo II, Art. 11(1).

³¹ At the time, Area A included the major cities (except Jerusalem), covering about 3 % of the OPT (Jenin, Nablus, Tulkarm, Qalkilya, Ramallah and Bethlehem. A separate regime was negotiated for Hebron); Area B included some 400 villages or about 27 % of the territory; Area C covered Israeli settlements, military locations and “non-populated” areas, comprising almost 70 % of the OPT.

However, due to the combined pressure from Israel and the USA (with the purpose of weakening Arafat) and internal pressure for accountability and checks and balances, an amendment to the Basic Law was adopted by the PLC in March 2003 and approved by Arafat (who at that time was severely incapacitated and isolated in his headquarter). The amendment creates a parliamentary system with a prime minister responsible to the PLC. The prime minister reports to the president, and the president still has the prerogative to appoint and remove the prime minister. Any new prime minister and his or her cabinet must be approved by vote of confidence by the PLC.

As to the controversial question of who should have authority over the different security forces, internal security and public order (including preventive security, civil defence and police forces) are under the jurisdiction of the cabinet (minister of interior , ultimately the prime minister), whereas responsibility for national security resides with the president. It should be added that responsibility for negotiations with Israel continues to be located at the office of the president, not in his capacity as President of the PNA but in his capacity as the Chairman of the PLO. Like his predecessor Yasser Arafat, Mahoud Abbas holds both positions, but it is only as PLO leader that he is mandated to negotiate with the Israelis. This is also recognised by the Hamas-led government that came to power after the 2006 PLC elections.

1.6 Concluding Remarks

The purpose of this brief discussion has been to illustrate some of the complexities of the legal framework for elections in the Occupied Palestinian Territory. On the one hand, the 2004 Advisory Opinion of the International Court of Justice is very clear on the question of the status of the territories under international law; the Gaza Strip, the West Bank and East Jerusalem are occupied territories where international humanitarian and international human rights law apply. The Oslo Accords on the other hand consider the status of the territories as undecided, a question to be left for future negotiations. In addition, the Israeli-Palestinian Interim Agreement (Oslo II), which identifies the ground rules for distribution of territorial and institutional authority between Israel and the Palestinian Authority, gave Israel a direct say in defining the scope and competences of Palestinian state-building institutions, including the parameters for holding elections in the territories.

The elected bodies and offices established by these elections should therefore be seen not as genuine organs of an independent state-in-the-making nor as pure instruments set up by the occupying power to control the territories and its population. They are a bit of both. The elected Palestinian institutions have ever since been subjected to intense rivalries between those who wanted to tip the balance in favour of a genuine state-building process and those who wanted the

Palestinian Authority to pacify the territories within the existing balance of power and thus contribute to securing Israeli regional hegemony. Palestinian institutions and elections derive their international legitimacy from the Oslo Accords. But the uncertainties about the purpose of those accords and the rivalries they affected have paralysed the newly established political system in the occupied territories. Whether the 2006 elections to the PLC represent a fresh start for Palestinian state-building efforts based on more genuine popular sentiments or the beginning of the collapse of the Palestinian Authority is too early to say.

2. The Political Framework

2.1 The Undecided Aim of the Peace Process

The circumstances surrounding Palestinian elections have been extraordinary not only from a legal perspective but also from a political perspective: The parties to the conflict, the State of Israel and the Palestine Liberation Organisation (PLO) had agreed to stop fighting and establish a Palestinian political entity in the Occupied Palestinian Territories. But they still disagreed fundamentally on the ultimate purpose of the peace process they had started. This disagreement was to be negotiated under “permanent status negotiations” at a later stage. The undecided aim of the process set in motion intense political struggles within both the Palestinian and Israeli public with “nationalists” and “moderates” trying to influence and bind up their respective leaders. This infighting on both sides, combined with outbreak of violence, undoubtedly contributed to the crumbling of mutual trust and of the peace process itself. Thus, the Oslo process as a strategy of peace-building, created extremely complex political relations and incalculable consequences.

It is true that elections in the OPT are politically and legally based in a set of agreements between the parties to the conflict: the Oslo Accords of 1993 and 1995 (Declaration of Principles (DOP) or “Oslo I” and The Interim Agreement or “Oslo II”, respectively). Elections are recognised in these documents as a key to a process of political transition in the territory. But as discussed in the previous section, the Oslo Accords do not constitute a peace settlement. They constitute an agreement on “interim arrangements” in the OPT until a comprehensible peace agreement has been reached between the parties. Until such time, elections are to be held and political institutions to be build without an agreement on such basic issues as the current or future political status of the territory, its borders and capital, and the status of the millions of Palestinian refugees.

The Oslo I agreement, signed at the White House lawn 13 September 1993, was celebrated internationally as one of the most important diplomatic events at the turn of the century. The Oslo process was initiated by PLO leader Yasser Arafat, facilitated by Norwegian diplomats and made possible when the Israeli prime Minister Yitzhak Rabin decided to go for a deal and conclude the secret

negotiations in the summer of 1993.³² It was undoubtedly an historic breakthrough in Israeli-Palestinian relations. But what it establishes is limited to an agreement to set up a Palestinian Authority (PA³³) in the West Bank and Gaza Strip (Jerusalem not included) with the jurisdiction of limited self-government, in effect a non-sovereign non-state of Palestine. What the PLO was able to set up after Arafat returned in triumph from exile to the OPT in July 1994 was a political entity that resembles a state (and that the PA wanted to look like a state) but that commands very limited powers, particularly in terms of territorial control. The first elections for a Palestinian Legislative Council (PLC) and President of the Palestinian Authority were held 20 January 1996. The Oslo Accords thus facilitated an embedded Palestinian state-building process in parts of the OPT, made possible by a gradual but unspecified and reversible withdrawal of Israeli occupation forces and without solutions to the underlying “permanent status” issues.

As a strategy for peace, the basic assumption of the Oslo process was that mutual recognition, ending violence and producing visible signs on the ground of self government and economic reconstruction would create its own dynamic towards a final peace settlement. Numerous failed initiatives to solve the conflict over the OPT since Israel's occupation in 1967 made people on both sides and around the world to believe and hope that peace at last would be within reach on this basis. A major obstacle to finding a political solution to this conflict had been Israel's refusal to recognize the territory as ‘occupied’ and the respective Arab position that any solution must be based on the premise that the (whole) territory is indeed occupied and should be evacuated completely by the occupier³⁴. The Oslo process sought to bypass such deep-seated enmity over the historic and legal entitlement to the land by starting in the other more “technical” end (security cooperation, elections, economic development) from where it presumably would be easier to reach agreement.

The negotiators therefore wanted to get over or around the hurdle (disagreement over permanent status issues) without removing the hurdle itself, at least for the time being. The hope was that confidence-building during negotiations, broad international political and economic support, and some tangible results on the ground would bring the parties irreversibly towards an historic reconciliation. This was indeed a risky business, “the peace of the braves”, according to Arafat. In the Declaration of Principles the parties gave themselves five years to conclude

³² Many actors in and around the Oslo Mideast diplomacy claim parenthood to the process. What is clear is that Arafat approached Norwegian authorities several times from the late 1980's onwards asking for assistance to set up a back-channel to the Israelis. For a well documented overview and analysis of the negotiations, see Waage, Hilde H. 2004, *'Peacemaking Is a Risky Business'. Norway's Role in the Peace Process in the Middle East, 1993-96*, PRIO Report 1/2004, Oslo: International Peace Research Institute Oslo.

³³ This is the terminology of the Oslo Accords. Palestinian authorities use the term 'Palestinian National Authority' (PNA).

³⁴ Egypt set the standard in its negotiations with Israel on Israeli withdrawal from the Sinai Peninsula which it had occupied in 1967. Israel left the territory in April 1982 as agreed in the Egyptian-Israeli Peace Treaty of 1979 – except for the tiny strip of Taba on the Red Sea coast. Egypt insisted on Israeli withdrawal also from this bit of occupied land based on the official Egyptian-Palestinian border of 1909, and after three years of negotiations and international arbitration (Taba Arbitration Tribunal) Israel gave up its claim and withdrew in March 1989.

a comprehensive peace settlement.³⁵ At the time of writing (spring 2006), the parties seems to be as far from reaching such agreement as ever before and that the hurdles have grown as time has passed.

2.2 Competing and Asymmetrical Processes of State-building

This is not the place for a thorough discussion of what went wrong with the peace process, but two factors should be kept in mind if we want to understand the extraordinary conditions under which Palestinian elections are being organised. First, we are not only dealing with a process of Palestinian state-building, but with an inconclusive Israeli state-building as well. The two processes are intricately interwoven, the implications of which are often not recognised or understood. The formation of a Palestinian political entity in the OPT impinges directly on the future character of the State of Israel and, of course, vice versa.³⁶

At least since 1967, part of or all OPT has been considered by shifting Israeli governments as potential ground for future expansion of Israel's borders for religious-nationalistic or security reasons. As a state established without defined geographical extension and based on settlement of an external population, Israel has yet to conclusively define what it considers to be its national territory and adopt a constitution. This is further reflected in Israel's refusal to recognize its status as an occupying power of the OPT, and more concretely in its systematic colonization of large tracks of the territory and in the intense internal political struggles over the future of the settlements and the role of the OPT in the future Jewish state.

Secondly, and connected with the first point, the state-building race between Israelis and Palestinian is extremely asymmetrical in terms of available power resources. If the formation of Israel as a Jewish state in the Middle East has not yet been completed within a stabilised regional order, Israel has by all means established itself as a regional great power, a fact that is now acknowledged by most states in the region.³⁷ In this context the OPT, and particularly the West Bank, plays a pivotal role in Israel's regional security considerations. With political and economic support and security guarantees from consecutive US administrations – and sufficient non-opposition from the rest of the world – Israel has been able to integrate the OPT (and the Syrian Golan Heights) into an Israeli dominated regional security complex that supports its core territory (“Israel proper”, i.e., the pre-1967 borders of the State of Israel, today internationally recognized as Israel's legitimate borders). Israel insists on a right, exercised unilaterally if necessary, to

³⁵ Article I of the DOP reads: The aim of the Israeli-Palestinian negotiations within the current Middle East peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council (the “Council”), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five years, leading to a permanent settlement based on Security Council Resolutions 242 and 338.

³⁶ A recent book on Israeli state-formation that recognizes the complex interdependence between the two societies is Gershon Shafir and Yoav Peled 2002, *Being Israeli: The Dynamics of Multiple Citizenship*, Cambridge University Press.

³⁷ Butenschön, Nils A. 1992., “Israel as a Regional Great Power: Paradoxes of Regional Alienation” in Neuman, I.B. (ed.), *Regional Great Powers in International Politics*, London: Macmillan.

define its own security needs and action-independence, including the security arrangements constraining future Palestinian state-building.

It is intolerable therefore for Israel to accept the establishment of a “sovereign, independent, democratic and viable” Palestinian state in the OPT (as explicitly mentioned in the US-sponsored “Roadmap to peace” from 2003³⁸) without reserving for itself a de facto veto power over the formation and capabilities of such a state. This Israeli position was confirmed by the Israeli Government 25 May 2003 in a decision that outlines the 14 Israeli reservations to the Roadmap.³⁹ Whereas the Palestinians accepted the Roadmap without reservations, the Israelis, among other things, would only go along with the plan if, initially, the Palestinian authorities dismantle and reform existing security organizations, dismantle all militant organizations and their infrastructure, arrest and punish their members and deliver all weapons collected from the disarmed groups to a third party outside the territories. The Israeli reservations included furthermore that only when these steps are completed to Israel’s satisfaction, and “absolute quiet” is established in the territories, including an end to “incitement” against Israel in Palestinian media and otherwise – and when a new Palestinian leadership has emerged on the basis of elections coordinated with Israel – then the Israeli government would be willing to enter the stage of setting up a provisional Palestinian state with provisional borders on the additional conditions, however, that this state is fully demilitarized, that determination of its borders should not be bound by UN resolutions and that the issue of Israeli settlements in the OPT should not be open to negotiations. Finally, Israel would not accept return of Palestinian refugees to the State of Israel as part of a final agreement, and the Palestinians would have to waiver all claims of compensation. The US Government promised to “fully and seriously address” all these reservations.⁴⁰

Instead of proceeding with the Roadmap, the Government of Ariel Sharon decided to present a plan for unilateral Israeli action that goes against the basic principle of *reciprocity* as stated in the Roadmap. The plan included withdrawal of soldiers and settlers from the Gaza Strip and a few settlements on the West Bank, and the construction of a separation wall in the West Bank (“The Disengagement Plan”). The plan was presented by Sharon to US President George W. Bush in April 2004 on the premise that “there exists no Palestinian partner with whom to advance peacefully”⁴¹. It received a favourable response from the President who chose to see the Plan as compatible with and a step towards the realization of the Roadmap. Bush also indicated implicitly that a number of UN resolutions relevant to the Israeli-Palestinian conflict no longer “reflected realities”, including resolutions to the effect that Palestinian refugees has the right to return to what is today Israel and that Israel should withdraw completely from the OPT.

³⁸ This peace plan was the outcome of consultations between USA, EU, Russia and the UN – the so-called “Quartet” – and published by the US Department of State 30 April 2003. See “A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict”, <http://www.state.gov/r/pa/prs/ps/2003/20062.htm>.

³⁹ See Ha’aretz 25.05.03, <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=297230>.

⁴⁰ Ibid.

⁴¹ The Plan and exchanges of letters between Sharon and Bush is available at www.mideastweb.org/disengagement.htm.

It has been widely believed by international observers for some time that Israel, contrary to previous commitments, intends to draw its permanent eastern border more or less along the route of the separation wall that is currently under construction on the West Bank.⁴² By implication, Israel in this way also determines the territorial extension of a future Palestinian state, and the constraints on its sovereignty, without consulting the Palestinians. This time, Israel as the overwhelmingly stronger party not only bypasses the said hurdle, but rejects its relevance altogether.

Israeli unilateralism with US support has put the Palestinian leadership under immense pressure, dependent as it is on both political support at home and acceptance by Israel and USA: It would be impossible for any Palestinian leadership to accept the inclusion of the OPT under a permanent Israeli-dominated control system. Rejecting Israeli conditions for peace, as happened at Camp David in 2000, can on the other hand lead to a continued deadlock in the political process, new and devastating Israeli incursions into the OPT, marginalisation by the Western countries, and, eventually, losing the chance to build any state at all.

2.3 1996-2000: The Stumbling Peace Process

The first major violent blow to the peace process came in February 1994, in the midst of prolonged Israeli-Palestinian negotiations on the specific arrangement for the establishment of a Palestinian Authority in the Gaza Strip and the Jericho area. On 25 February a militant Israeli settler in Israeli army uniform massacred 29 Muslim worshippers during Friday prayers in the Ibrahimi Mosque in Hebron, containing the Tomb of Ibrahim/Abraham, a sacred site for Muslims and Jews alike. The massacre sent shockwaves throughout the region. In response, the Israeli government imposed a curfew on the Palestinian population of Hebron (in anticipation of possible reprisals), but did not take action to withdraw the illegal settlements there or even disarm the settlers as some ministers wanted.

Arafat immediately called off all negotiations and only agreed to resume them again after the UN Security Council had condemned the atrocity and agreement had been reached to establish a Temporary International Presence in Hebron (TIPH).⁴³ Many observers, particularly among Palestinians, have pointed to this event as a critical turning point to the worse in the peace process.⁴⁴ Forty days later Hamas, the Islamic resistance movement which was not part of the PLO and the political process, carried out its first suicide bombing as revenge of the massacre, killing eight in the Israeli town of Alufa. A destructive circle of violence

⁴² See Prime Minister Sharon's letter to President Bush, *ibid*. The suspicion is strengthened by statements by senior Israeli policy-makers, including Prime Minister Ehud Olmert in the spring of 2006.

⁴³ See, for example Ross, Dennis 2004, *The Missing Peace. The Inside Story of the Fight for Middle East Peace*, New York: Farrar, Straus and Giroux, pp. 130-136.

⁴⁴ "Enter Hamas: The Challenges of Political Integration", *Middle East Report No 49 – 18 January 2006*, p. 2, International Crisis Group.

and counter-violence was set in motion that gradually broke down the measure of mutual confidence between the parties that had been built up. The opponents of the Oslo process on both sides gained momentum.

Negotiations continued until May when the “Israel-PLO Agreement on the Gaza Strip and the Jericho Area, Cairo 4 May 1994” (also called the Cairo Agreement or the Gaza-Jericho Agreement) was signed. The signing of this agreement formally introduced the “interim period” as referred to in Article I of the DOP, implying that a comprehensive peace settlement was to be concluded by 4 May 1999. An extensive agreement on economic relations that was concluded on 29 April 1994 in Paris (the Paris Economic Protocol) was included as Annex IV of the Cairo Agreement. The Paris Protocol defines the terms of a Palestinian customs union with Israel and the modalities of Israel’s collection of value-added taxes (VAT), import taxes and excise taxes on behalf of the PA.⁴⁵

The next major challenge in the process of implementing the Declaration of Principles was to set up a regime in the OPT regulating all aspects of the process of transferring powers from the Occupying Power (the Israeli military government and its Civil Administration) to the PA, without prejudicing the outcome of the final status negotiations (on borders, sovereignty, settlements etc). Implementing the strategy of the Oslo process turned out to be an up-hill struggle for the parties themselves and the international brokers, and increasingly so.

As already indicated, the most comprehensive diplomatic achievement of the Oslo process was the completion of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, signed in Washington 28 September 1995 (the Oslo II Agreement). The Interim Agreement superseded all previous agreements and represents still today the legal source of divisions of territorial and institutional authority in the Palestinian territories. To reiterate: It divides the West Bank (excluding East Jerusalem) into three areas of jurisdiction (A, B, and C) whereby PA would exercise civil and security control in nearly 3% (area A, including the urban areas of Ramallah, Nablus, Jenin, Qalqilia, Bethlehem, and Tulkarem. The largest city Hebron was not included, pending agreement on special arrangements relating to Jewish settlers there). In the Palestinian build-up areas (mostly villages, comprising 27% of the West Bank)⁴⁶, PA would take over civil administration, but Israel would retain over-all security control. Area C, the remaining 70% of the West Bank, would stay under exclusive Israeli control (encompassing Israeli settlements, by-pass roads, Israeli military zones, Israeli-designated state land, most of the Palestinian agricultural land and some 40 000 Palestinian inhabitants).

⁴⁵ This part of the agreement gives Israel a considerable leverage on the PA, first demonstrated following the outbreak of the Al-Aqsa intifada in late 2000 when Israel refused to transfer collected taxes to the PA, and again after the victory of Hamas in the elections for the Palestinian Council in January 2006.

⁴⁶ According to Amnesty International’s report, *Israel and the Occupied Territories: The Demolition and Dispossession of Palestinian Homes* (December 1999), the Oslo Accords created 227 separate areas in the West Bank under partial or full Palestinian control. Of these, 199 measure less than two square kilometers. Some 40,000 Palestinians live in Area C; however, all Palestinians live within six kilometers of a location designated as Area C. See Geoffrey Aronson in *Information Brief No. 32*, 27 April 2000, Centre for Policy Analysis on Palestine.

Israel agreed to further withdrawals (or “Further Redeployments”, FRDs) in three stages with six months intervals from the date of the inaugural of the elected Palestinian Council. The Agreement did not, however, define the extent of these withdrawals. Israeli security needs were overriding concerns in these arrangements. Final status negotiations should start no later than 4 May 1996.

In addition to drawing up a detailed security regime, the Oslo II Agreement also defines the parameters of a transitional political regime for the West Bank and the Gaza Strip. An 82-member legislative body (the Council, extended to 88 members shortly before the first election) and its Executive Authority (government) headed by a Ra’ees (President/Chairman/Leader) constitute the core political institutions. These were to be democratically elected pursuant to the signing of the Interim Agreement. The PA Chairman should call for direct and separate elections for a legislative council and the Ra’ees of its Executive Authority at the earliest possible date. These elections should be regulated by an Election Law issued by the Executive Authority as defined in Annex II of the Interim Agreement. Once elected, the Ra’ees was mandated to appoint the other members of the Executive Authority, to be approved by the Council. Israeli military forces should withdraw from Area A (the first stage of redeployment) within 22 days ahead of the elections.⁴⁷

The Oslo II Agreement paved the way for the first Palestinian elections, held on 20 January 1996. They were recognised, with some reservations, by international observers as “an accurate expression of the will of the voters”, considering the difficult circumstances and constraints on a free political discourse in the OPT⁴⁸. Yasser Arafat was elected President of the PA without serious contenders and the 88 member Palestinian Legislative Council were mostly members of or loyal to Fatah, the political movement headed by Arafat.

In hindsight, the 1996 Palestinian elections represent the peak of the Oslo peace process. The setting up of a democratically elected Palestinian Authority was undoubtedly a major achievement. On the other hand, there was little progress on the ground. Ordinary Palestinians did not experience significant improvements in their social and economic conditions or in their freedom of movement in the OPT, and, worst of all as seen from a Palestinian point of view, there were no signs that Israel was prepared to stop expanding the settlements. This lack of progress created a fertile ground for groups that opposed the concessions given by the PLO in the Oslo Accords and that wanted to continue the armed resistance against the occupation.

⁴⁷ In the case of Gaza, Israeli forces had already withdrawn to those parts of the territory that was not handed over to PA self government as defined by the Cairo Agreement of 4 May 1994. Consequently, Gaza was not divided into A, B and C areas by the Oslo II Agreement.

⁴⁸ European Union, Electoral Unit, “Joint Statement by Heads of International Observer Delegations, 21 January 1996”, cited as Appendix Fin Butenschøn, N. and Volla, K. (eds.) 1996, *Interim Democracy. Report on the Palestinian Elections January 1996*, Human Rights Report No 7 1996, Oslo: Norwegian Institute of Human Rights.

On the Israeli side, continued Palestinian militancy that was not brought under control by Arafat, particularly suicide attacks against Israeli civilians, strengthened the impression that the Palestinians' peace motives was not to be trusted. The right-wing opposition headed by Benjamin Netanyahu, leader of the Likud party, could seize the opportunity to mobilise the nationalist opposition who had been against the Oslo process from the start. This mobilisation culminated at this stage with the murder of the Israeli Prime Minister Yitzhak Rabin by an Israeli extremist on 4 November 1995. Shimon Peres, until then Foreign Minister, took over as Prime Minister 22 November. On 5 January, in the middle of the Palestinian election campaign, the Israeli General Security Service, allegedly authorized by Peres, assassinated Yahya Ayyash, a prominent Hamas militant that Israel suspected was behind several attacks against Israelis. Hamas boycotted the elections, but did not interfere with the process and refrained from attacking Israeli targets at this stage. The assassination of Ayyash was seen as utterly unjustified by most Palestinians, and Hamas promised revenge. Within a couple of months Hamas carried out four suicide attacks killing approximately 60 Israelis.

This development coincided with deterioration in the Israeli "Security Zone" in Lebanon along the Israel-Lebanon border. Hezbollah, the South Lebanese Shi'a Muslim resistance movement, attacked northern Israel on 9 April with rockets injuring six Israelis, allegedly in response to Israeli atrocities in the Security Zone. In retaliation Peres launched the "Grapes of Wrath" military incursion into South Lebanon two days later lasting about two weeks and causing some 300 000-500 000 people to flee their homes. The most devastating single attack was against the village of Qana, killing 102 civilians who had sought refuge in the headquarters compound of the Fijian battalion of the United Nations Interim Force in Lebanon (UNIFIL)⁴⁹. At the same time, the Israelis were approaching elections, with the right-wing thriving on the escalation in violence. The Grapes of Wrath campaign, which was totally out of proportions to the Hezbollah attacks, was seen by many as an attempt by Peres to demonstrate firmness and strength in the run-up to the May 29th elections. But the assassination of Ayyash combined with the attacks against South Lebanon (affecting also tens of thousand Palestinian refugees there) brought most of the Palestinian citizens of Israel, who normally would support Peres against Netanyahu in the election for Prime Minister, to boycott the elections, giving Netanyahu with his "anti-Oslo" platform a very narrow victory.

The change of government in Israel removed the Israeli side of the "Oslo peace network", headed by Shimon Peres, which had given the process an element of reciprocity and mutual confidence, however undermined at this stage. Netanyahu's victory was the worst political blow to the peace process so far. The Netanyahu government did however not opt out of existing agreements and did not formally break relations with PA. The established diplomatic channels, now with active American participation, were not closed down, and the work for

⁴⁹ Amnesty International Report: ISRAEL/LEBANON. Unlawful Killings During Operation "Grapes of Wrath" July 1996. AI INDEX: MDE 15/42/96.

implementing the Interim Agreement for the already delayed step-by-step unspecified Israeli withdrawals continued.⁵⁰

In the following four years, until the outbreak of the Al-Aqsa intifada, three agreements for partial Israeli withdrawals were concluded: The Hebron Protocol (signed 15 January 1997), dividing the city of Hebron and the surrounding area; The Wye River Memorandum (signed 23 October 1998), specifying a revised time-table for further redeployments, called off by the Israeli government in December; The Sharm el-Sheikh Memorandum (signed 4 September 1999, negotiated with a the government of Ehud Barak, leader of a centre-left coalition that regained power in the 17 May 1999 elections), specifying yet new stages for further redeployments and commitments for resuming permanent status negotiations. When the last Israeli withdrawal had been completed 21 March 2000, the PA had gained security and civil control over 17.2 percent of West Bank territory (Area A, up from 3 percent in the 1996 elections), and civil (but not security) control over 23.8 percent (Area B, down from 27 percent). Israel retained military and civil control over 59 percent of the West Bank (Area C, down from 70 percent). The PA, on the other hand, had expected that Israel's full implementation of its Oslo II commitments would have resulted in an Israeli redeployment from all but 12 percent of the West Bank.⁵¹ In the course of these "Oslo redeployments", Israel did not evacuate any of its settlements. On the contrary, and neglecting their international obligations, about 30 new settlements were recognised by Israeli authorities. The settlement population increased by some 185 000 bringing the total number of Israeli settlers at this stage to about 400 000.

2.4 The Disintegration of Political Authority

The challenges and dilemmas facing Yasser Arafat when he set out to build a Palestinian state on the basis of the Oslo Accords were numerous. First, he had in effect accepted that building a Palestinian state from now on was subordinated to Israeli security concerns. This Israeli veto power over Palestinian developments was not easily accepted by the Palestinians (or by Arafat himself), and was a major source of widespread Palestinian opposition to the Oslo Accords. At the same time, the Israeli supremacy over PLO in the peace process reflected the realities of power-relations between the parties, greatly enhanced by US guarantees to Israel.⁵² The purpose of the PLO was to "liberate Palestine", as formulated in the Palestine National Charter from 1968. But what should the "liberation of Palestine" from Israel mean now when it would have to be achieved on the basis of Israel's goodwill? The Palestinian liberation doctrine had been limited by the

⁵⁰ For a detailed description of the US involvement at this stage by one of the major participants, see Ross, Dennis 2004, *The Missing Peace. The Inside Story of the Fight for Middle East Peace*, New York: Farrar, Straus and Giroux.

⁵¹ See Geoffrey Aronson, *supra* note 43.

⁵² The Israeli Prime Minister Yitzhak Rabin used "this great victory for Zionism" to convince the Israeli parliament (Knesset) to approve the DOP. See "Yitzhak Rabin, Statement to Knesset on Israeli-Palestinian Declaration of Principles, Jerusalem, 21 September 1993" reprinted in *Journal of Palestine Studies*, vol. 23, no. 2 (winter 1994):138-141.

Palestine National Council in 1988 to include only OPT, constituting some 20 percent of the original state territory of Palestine. But since Israel as the Occupying power – in clear breach with international law, but with impunity – had expanded its state-building endeavour into the OPT (the districts of Judea, Samaria and Gaza in Israeli terminology), even this residual 20 percent and the prospect for establishing meaningful national sovereignty in any part of historic Palestine was in question.

The first Palestinian intifada that started in December 1987 can be seen as a popular response to this development. The DOP authorised in Article VIII the PA to establish a “strong police force”, but Arafat could not use his constantly growing number of security forces to liberate the OPT. That would be a material breach of the Oslo Accords, it would be condemned by the international society, and the PA would have no chance of surviving an all-out war with the overwhelmingly stronger Israeli Defence Force. Israel, on its part, had no such restrictions and could make full use of its military strength to quell Palestinian resistance if it so decided. The tasks of the Palestinian security forces were limited therefore to defending the new PA regime from internal threats and preventing Palestinian violence and armed resistance against Israel, Israeli occupation forces and settlers.

Secondly, Arafat had to meet the expectations of his own people for progress and liberation which for most people meant withdrawal of Israeli occupation forces, economic development and the establishment of an independent state. He was himself a symbol of national liberation. He was greeted as a hero when he returned from his exile to Jericho and Gaza in July 1994 with thousands of PLO followers, fighters and officials that were to constitute the core of his future PA regime.

On the face of it, Arafat’s return from exile represented a new historical beginning for the Palestinian people in their own land. But the circumstances, conditions and restrictions under which Arafat’s new regime was established was in fact not so different from the previous PLO administrations that he had been heading, particularly the Palestinian state-within-the-state in Lebanon between 1972 and 1982.⁵³ Again, as had been the case when he first started to build the PLO as an independent liberation organisation in Jordan in the late 1960’s, he had to set up an administration that lacked sovereign territorial control, and which existed on the mercy of a host government (in this case Israel).⁵⁴ Again he would have to base his survival on informal alliances according to his understanding of the balance of power locally, regionally and internationally.

These conditions under which a Palestinian authority would have to be established strengthened patterns of secrecy, power manipulation and patrimonialism

⁵³ For a comprehensive analysis of the history of the PLO up until the Oslo Accords, see Yezid Sayigh 1997, *Armed Struggle and the Search for State. The Palestinian National Movement, 1949-1993*, Oxford: Oxford University Press.

⁵⁴ In fact, as a “host government”, Israel had more direct influence on the PLO-PA self-governing institutions than any of the former hosts through *liaison committees* set up to cover almost all policy areas.

so typical of Arafat's ruling techniques in exile.⁵⁵ Arafat therefore was not the guerrilla leader who became the statesman and leader of a liberated nation state (like Fidel Castro, Nelson Mandela, etc) as he so strongly had hoped for. And again Arafat sought international recognition and support with "almost obsessive determination" to compensate for the lack sovereignty and territorial control.⁵⁶

Before the Oslo process, a majority of states came to recognize the PLO as the sole legitimate representative of the Palestinian people. It enjoyed full membership in the League of Arab States, Non-Aligned Movement and other multilateral groupings of Third World states, as well as observer status in the United Nations. The phantom state declared by the Palestine National Council in the OPT in 1988 was recognised by more than 100 states. This was a remarkable achievement by a liberation organisation without a stable territorial base. The Oslo Agreement brought the PLO universal recognition, even by Israel, as the representative of the Palestinian people. Arafat tried to capitalise on this new international status in his efforts to build a viable state in the OPT, with a particular view to keeping as good relations as possible with the US government. The other side of this coin was, as Nathan J. Brown convincingly argues, that the "logic of the peace process" augmented the tendencies towards authoritarian and patrimonial rule.⁵⁷ Israel and the United States, the dominating actors in the peace process, "focused on security rather than governance". Brown continues: "Such priorities suggested establishment of a strong presidency and effective security services. Thus the PA presidency and its security apparatus were built two years before the first democratic elections and the convening of the Palestinian Legislative Council."⁵⁸ Israel and the US wanted an Arafat that was weak and dependent in relation to them, but strong and authoritarian in relation with his own people. He should deliver the peace that Israel could accept, and be given enough power to control and, if necessary, destroy and disarm opponents of this peace.⁵⁹

In the final analysis, the new PLO structure in the OPT, now in the form of the self-governing Palestinian Authority, retained many of the characteristics of an authoritarian state-in-exile. It did not develop very differently from its old patterns in terms of leadership and decision-making, either because the conditions for running an independent national authority had not changed fundamentally or because the PLO elite found the old ways to be the most convenient or efficient in order to maintain control and leadership. This in turn contributed to the structural problems and declining legitimacy that came to characterise the PA in its relationship to the population and civil society in the OPT.

⁵⁵ Ibid., pp. 447-463.

⁵⁶ Ibid., p. xi.

⁵⁷ Nathan J. Brown 2005, *Evaluating Palestinian Reform*, Washington: Carnegie Endowment for International Peace, Carnegie Papers, Middle East Series, Democracy and Rule of Law Project, Number 59, June 2005, p. 6.

⁵⁸ Ibid.

⁵⁹ For a sharply argued analysis of Arafat's willingness to give up Palestinian rights and interests in return for Israeli recognition, see Cheryl A. Rubenberg 2003, *The Palestinians in Search of a Just Peace*, London: Lynne Rienner, chapter 2. As we shall see below, only later did Israel and the USA consider Arafat to be a major obstacle, not as the solution.

This conclusion should not be taken to indicate that the establishment of the PA was an insignificant event in the history of the PLO and the Palestinian people. The point has been to suggest that – in spite of the new historical opening for the Palestinians to concentrate all their efforts on building a state in their own country – there were important structural continuities in the way the PLO operated and which pointed towards weaknesses and vulnerabilities in the Palestinian state-building strategy.

2.5 The raise of Hamas

The Islamic Resistance Movement (Hamas) was founded as an off-spring of the Muslim Brotherhood movement in the early stage of the first intifada (1987-1993).⁶⁰ Its nature, purpose and role in Palestinian politics have been high on the Palestinian political agenda ever since. One event that brought Hamas and other Palestinian Islamists international attention was the Israeli Prime Minister Yitzhak Rabin's decision to deport some 400 Islamic activists, mostly members of Hamas, to southern Lebanon in December 1992.

This was the first major Israeli campaign aimed to quell the raise of Palestinian Islamism in the occupied territories. But it probably had the opposite effect. In Palestinian eyes, it strengthened the legitimacy of Hamas as a serious partner in the national struggle. This was important because Hamas was an organisation outside the PLO, organised on a competing political platform. Hamas had not challenged the PLO leadership, but there was widespread suspicion that Islamists had been a given green light by Israeli occupation authorities to operate more freely than PLO-affiliated organisations in order to contribute to preparing the ground for internal conflicts among the Palestinians and thus weaken the PLO.⁶¹

Whereas Israel had outlawed membership in PLO-affiliated parties and political institutions, it tended to ignore the formation of local civil society institutions, including religious institutions. This gave the Islamists some advantages in terms of mobilising support, not least through the mosques. In the West Bank alone, the number of mosques rose from about 400 to 750 in the period between 1967 and 1987.⁶² Over the years Hamas has come to represent an increasingly powerful segment in Palestinian political opinion with roots in the regional political culture and more and more entrenched in the social fabric of Palestinian religious and civil society.

⁶⁰ On the background of Hamas, see Abu Amr, Ziad 1994, *Islamic Fundamentalism in the West Bank and Gaza: Muslim Brotherhood and Islamic Jihad*, Bloomington and Indianapolis: Indianapolis University Press; Milton-Edwards, Beverly 1996, *Islamic Politics in Palestine*, London: Tauris Academic Press; Mishal, Shaul and Sela, Avraham 2000, *The Palestinian Hamas: Vision, Violence, and Coexistence*, New York: Columbia University Press; Hroub, Khaled 2000, *Hamas: Political Thought and Practice*, Washington DC: Institute of Palestine Studies.

⁶¹ International Crisis Group 2006, *Enter Hamas: The Challenges of Political Integration*, Crisis Group Middle East Report No 49, 18 January 2006, p.16.

⁶² Abu Amr, Ziad 1993, "Hamas: A Historical and Political Background", *Journal of Palestine Studies*, vol. 88, no. 4, p. 8.

The founding generation of the PLO and its dominating movement, Fatah, had its formative experiences in exile the aftermath of the traumatic al-nakba ('the catastrophe', referring to the first Arab-Israeli war 1948-1949 and the creation of the Palestinian refugee problem) strongly influenced by Nasserism, Arab socialism and global anti-imperialism of the 1950's and 1960's. Hamas was more of a home-grown movement in the OPT, albeit with its strong ties to the Muslim Brotherhood movement in Egypt and Jordan. Hamas' challenge to the PLO was not only its militancy (it was not particularly more militant than a number of organisations affiliated with the PLO), but rather the fact that it was organised outside the PLO on a competing ideological platform. It was vital for PLO in its international campaign to present itself with credibility as "the only legitimate representative of the Palestinian people". The existence of Hamas could weaken that position and PLO's claim for monopoly in leading the national struggle, and it was widely believed that Israel encouraged Hamas in the early stage of its existence. However, as the first intifada developed, the two movements were able to co-exist and Hamas did not challenge the right of the PLO to lead the uprising.

With the establishment of the PA in 1994 relations between the nationalists in the PLO and the Islamists of Hamas worsened considerably, for several reasons. Hamas had opposed the Oslo Agreement and, in contrast to most of the organisations within the PLO who had been against the Agreement, refused to be integrated into the new political structure created by Arafat and the PA. Arafat came under increasing pressure from Israel and the USA to crack down on Hamas and other militants that insisted on the right to continue the armed struggle. An important event in this context was the February 1994 massacre of 29 Muslim worshippers at the Ibrahimi Mosque in Hebron by an Israeli settler. In response to the massacre Hamas introduced a few months later suicide bombing as a method to attack Israeli civilians, setting the stage for massive Israeli retaliations and a radical deterioration in Israeli-Palestinian relations.⁶³ The massacre comes high on a list of events that represent a turning point to the worse in the peace process. Arafat reacted to the new tactics of suicide bombing by engaging his security forces in a campaign against Hamas. The most serious incident occurred in November 1994, when PA security forces shot dead 14 Palestinians during a demonstration in Gaza called by Hamas. But Arafat stopped short of initiating a civil war. He had come to recognise that Hamas was there to stay and that the Islamists already enjoyed a too strong support base in the population to be disregarded.

These early confrontations resulted in an unsteady understanding whereby Hamas accepted the authority of Arafat as a national leader in return for being accepted to operate within certain rules of the game. Most importantly, this implied that Hamas should not directly challenge PA authority and not provoke the Israelis excessively. What Arafat could hope for was that this policy of containment would work.

⁶³ Ibid., p. 2.

However, the dynamic of violence and counter-violence between Israeli military forces and Palestinian militants continued, and seemed to spiral out of control with the outbreak of the second intifada in September 2000.

2.6 The Secular Opposition: A Third Force?

The secular opposition to Fatah domination in the PLO has two main sources. One originates in the left-wing factions in the refugee communities in Jordan, Lebanon, Syria and other Arab countries, the other in liberal or left-wing groups and civil society organisations that emerged from the social and political transformations in the OPT after 1967. The exile-based groups reflected the forceful pan-Arab nationalist mood in the 1960's and 1970's that was otherwise represented by Nasserists (followers of the Egyptian president Gamal Abdel Nasser) and the Ba'ath socialist party which eventually took power in Syria and Iraq. The most important of these groups was the Popular Front for the Liberation of Palestine (PFLP) with George Habash as founding chairman. A central idea among Palestinian adherents of the Arab nationalist movement was that the liberation of Palestine was a core element in a wider regional liberation of "The Arab Nation" from foreign domination and local backward monarchies.⁶⁴

After the humiliating defeat of the Arab armies in the 1967 war with Israel the pan-Arab strategy for liberation lost most of its credibility and momentum, and the Fatah movement under the leadership of Yasser Arafat emerged as the dominant force on the Palestinian side. Fatah portrayed itself as an inclusive national liberation movement that saw the liberation effort as the responsibility of the Palestinian people itself and argued that, consequently, the PLO should not interfere in the politics of the Arab states. The PFLP remained the second most important organisation within the PLO even after it had developed into a Marxist-Leninist organisation and was split into several other left-wing organisations and commando groups (like the DFLP, the Democratic Front for the Liberation of Palestine).

The militant Palestinian organisations established in exile were gradually able to get a foothold in the OPT. This was demonstrated in local election in 1976 (the last such elections until 2005) when pro-PLO mayors were elected in many of the main Palestinian cities. But since membership in PLO-affiliated organisations was strictly forbidden by the Occupying power, political activity were concentrated within the framework of civil society organisations and professional associations. Furthermore, opposition to the old and largely pro-Jordanian leading personalities in the occupied territories, often member of traditional land-owning families, brought new elites forward as activists and spokespersons for the Palestinians. These were younger people, many with a background in universities, as lawyers,

⁶⁴ For a background on the emergence of Palestinian political factions, see Cobban, Helena 1984, *The Palestine Liberation Organization: People Power Politics*, Cambridge: Cambridge University Press; Muslih, Muhammad Y. 1988, *The Origins of Palestinian Nationalism*, New York: Columbia University Press; Yezid Sayigh 1997, *Armed Struggle and the Search for State. The Palestinian National Movement, 1949-1993*, Oxford: Oxford University Press.

health workers, etc.⁶⁵ Towards the outbreak of the first Palestinian intifada in 1987, labour unions, student associations, medical committees and other associations became more and more important as an institutional infrastructure for building up a network of national political activists and leaders without any formal links to the PLO. By the mid-1980's, Fatah succeeded in taking over hegemony in trade unions from the Communists, forcing the Communists, other left-wing groups and independents to seek an alternative popular base in health, educational and agricultural associations, women's groups and voluntary work committees. The gross effect of this broad-based mobilisation was that, according to Hilterman,

...one can speak of the existence of a network or infrastructure of organizations that had a mass base and were able, not only to provide the basic services that were lacking in the community, but also to lead the masses in times of direct confrontations with the occupier, as in the popular uprising that began in December 1987.⁶⁶

The significance of this development for understanding contemporary Palestinian politics is that the said organisational infrastructure came to represent the most important recruitment ground for the emerging new political elite of the OPT, including the United Leadership of the Uprising (UNLU) that coordinated and directed the first Palestinian intifada.⁶⁷ This elite remained dominated by Fatah, but the growing number of voluntary associations provided effective support for a wider spectrum of political mobilisation, both secular and religious. Among the well-known candidates of the secular opposition in the 2006 elections who have this background are Mustafa Barghouthi (no. 2 in the 2005 presidential election, head of the Independent Palestine list in the 2006 PLC election) and Hanan Ashrawi (no. 2 on the Third Way list).

There are complex reasons for the opposition to the Fatah dominance. One reflects the distinction between the outside PLO (also called "the Tunisians" and the local OPT elite. The PLO leadership did not involve, consult or even inform the local leadership about the secret negotiations with the Israelis that led to the Oslo Agreement at a time when local Palestinians headed by the popular Haydar Abdel Shafi negotiated officially with the Israelis in Washington (in 1992-1993). The offence thus felt by the local leadership was strengthened by the way in which the returning PLO cadres and fighters came to dominate and to some extent monopolise PA institutions, resources and privileges from 1994 onwards.

⁶⁵ Schou, Arild 1995, *The Emergence of a Public Political Elite in the West Bank During the Palestinian Uprising (1987-1991): A Study of Elite Recruitment*, Dr. Polit. Thesis (unpublished), University of Oslo, Faculty of Social Science. Taraki, Liza 1989, "Mass Organizations in the West Bank" in Aruri, Nasser, *Occupation: Israel over Palestine*, 2nd. ed., Belmont, MA: Association of Arab-American University Graduates.

⁶⁶ Hiltermann, Jost 1988, *Before the Uprising: The Organization and Mobilization of Palestinian Workers and Women in the Israeli-Occupied West Bank and Gaza Strip*, PhD dissertation, University of California, Santa Cruz, p. 54, cited in Schou, *op.cit.* p. 67.

⁶⁷ UNLU did however not replace the outside PLO in leading Palestinian resistance. UNLU were soon to follow the directives from the PLO Headquarter in Tunis, with Khilil al-Wazir (Abu Jihad) in charge of the OPT.

Given the prominence of many leading figures in the secular opposition and the growing resentment among the population towards corruption and misuse of power by “Tunisians” in the PA, the question is why this particular political segment has not emerged as a more unified third force in contemporary Palestinian politics. For the fact is that the secular opposition was not able to present the voters in the last elections with a credible alternative to Fatah on the one hand and Hamas on the other, and Hamas could conquer most of the protest votes. In the 2005 presidential election Mustafa Barghouthi represented the potential “third force” and did well with close to 20% of the votes. In the PLC elections his list got only 2,7% and two seats in the PLC (and none of the district seats). There were several failed attempts to unify the secular opposition before the elections, resulting in a number of ad hoc parties with few resources and badly organised campaigns. According to the actors themselves, part of the explanation derives from personal rivalries between leaders of different factions and the lack of a tradition for party politics under normalised conditions. In addition comes that the political initiative long ago was taken over by the religious opposition.⁶⁸

2.7 The Al-Aqsa Intifada and Beyond

Israeli unilateralism, Palestinian resistance out of control and PA paralysis has dominated Israeli-Palestinian relations since the breakdown of the Camp David talks in the summer of 2000, followed by the outbreak of the second intifada later that year and the failed Taba talks in January 2001. A widely held Israeli perception was that the talks demonstrated that the Palestinians in general and the Palestinian leader Yasser Arafat in particular did not seriously want peace, that Israel had “no peace partner” on the other side. The Israeli electorate consequently voted the right-wing Ariel Sharon, leader of the Likud party, into power in February 2001.

What followed from this was almost four years of violent confrontations, known as the Al-Aqsa Intifada.⁶⁹ In contrast to the 1987-1993 uprising, when the Palestinians were basically unarmed, the Al-Aqsa uprising was characterised by increasing and indiscriminate violence by both Israel and Palestinian militants (Hamas’ military wing Izz al-Din al-Qassam Brigades, Islamic Jihad, and the Fatah-affiliated al-Aqsa Martyrs’ Brigade (on the West bank) and the Popular Resistance Committees (in Gaza)). Initially, the uprising was spearheaded by *tanzim* (“organisation”), led by the West Bank Fatah chief (Marwan Barghouti, now imprisoned). According to Graham Usher, “Though its military wing had mounted a few attacks inside Israel before Sharon took office [after his election

⁶⁸ Interviews conducted by the authors with leading representatives of these parties 18-23 January 2006.

⁶⁹ The name refers to the event that ignited the uprising. On 28 September 2000 Ariel Sharon, then as opposition leader, headed a group of Likud officials and more than a thousand security personnel (provided by Prime Minister Ehud Barak) on an excursion to the Haram al-Sharif (the Temple Mount), the Muslim holy site where the al-Aqsa mosque is situated, predictably provoking large-scale Palestinian riots. The al-Aqsa Martyr Brigades, a militant faction of the Fatah party is named after the event.

victory in January 2001], it was afterwards that Hamas, with a nod from the tanzim, took the qualitative turn to suicide bombings in Israel as the uprising's signature and most lethal weapon.⁷⁰

The PA itself became a prime victim of this development. It could not, or would not risk the consequences of confronting the militants, fearing a civil war, but was at the same time made responsible for all Palestinian violence by Israel and the USA. Israel made it clear that if Arafat did not stop the militants and destroyed their infrastructure, Israel would do it. From March to July 2002 Israel conducted three major military incursions into the West Bank, effectuating a full reoccupation of the territory.

The most devastating of these incursions was the four-week "Operation Defensive Shield" in April. As Rubenberg explains, "Operation Defensive Shield was qualitatively and quantitatively different from anything that had preceded it. Israel re-occupied every major city, refugee camp, and Palestinian locale in the West Bank. The population was put under curfew; water, electricity and phone lines were cut; tanks bulldozed their way through every street and alley..."⁷¹ Most damaging for the PA was the Israel's systematic destruction of its institutions. In addition to the demolition of most of the police headquarters, security installations and jails, the following civil institutions were totally or partly destroyed: The Palestinian Central Bureau of Statistics, Ministry of Education, Ministry of Health, Ministry of Culture, Palestine International Bank, Khalil Shikaki Cultural Centre.⁷² Prior to the incursions, Sharon and other Israeli leaders had stepped up their accusations that Arafat personally facilitated Palestinian terrorism and that he had no intentions of preventing attacks by the militants. During Operation Defensive Shield Israeli Defence Forces (IDF) destroyed most of Arafat's presidential compound (Muqata) in Ramallah and kept him in fact captive there in what was left of the buildings until he died in November 2004.

Arafat's death was seen, not least in the West, as a possible new beginning, both for the Palestinian National Authority and for Israeli-Palestinian relations. The PA had been weakened not only by the Israeli campaign of destroying its infrastructure and US-supported political isolation, but also by corruption, misuse of power and internal dissent. Recruitment of new and legitimate leadership in all branches of government was badly needed as well as a fresh mandate for possible negotiations with Israel. New elections for President and the Palestinian Legislative Council had been planned for 2001 but were postponed due to the security situation created by the intifada and the Israeli military responses to it. Local elections had not been held at all since the establishment of the PA. On 5 May 2004 President Arafat issued a decree deciding that a first round of local elections would be held 23 December 2004. Hamas, the main Islamist opposition

⁷⁰ Usher, Graham, "The New Hamas: Between Resistance and Participation", *Middle East Report* 21 August 2005.

⁷¹ Rubenberg op.cit. (n.59), p. 351.

⁷² *Ibid.*, p. 352.

to Arafat's regime, who had boycotted the 1996 elections, decided for the first time to participate with candidates in the local elections. That was a major step towards integrating Hamas into the political process inaugurated by the DOP.

With Arafat's death, presidential elections would have to be organized within 60 days according to the Palestinian Basic Law. In addition, Arafat's positions as Chairman of the PLO Central Committee and leader of the Fatah movement would have to be filled. PLO veteran and former Prime Minister Mahmoud Abbas (Abu Mazen) was elected as Chairman of the PLO Central Committee and as Fatah's candidate for President, whereas Speaker of the PLC, Rawhi Fattuh, took over as Acting President of the PA until new presidential elections as provided for in the Basic Law. Farouk Kaddoumi, another veteran PLO leader and head of PLO's foreign relations department (and an outspoken critic of the Oslo Accords), took constitutionally over as leader of Fatah from his exile in Tunisia.

The only leadership position that was not impacted by Arafat's death was that of the Prime Minister. This post was established by an amendment to the Palestinian Basic Law 18 March 2003 with the political purpose of reducing Arafat's monopoly of power. It came as a consequence of the combined pressure from the US administration (who would not do business with Arafat as long as Israel would not consider him a "partner for peace") and members of the PLC and NGOs who wanted to fight corruption and strengthen accountability and the rule of law within the PA. Mahmoud Abbas, the US preferred candidate, was appointed as the first Palestinian Prime Minister. His government lasted only about six months, however, due to differences with Arafat over questions of institutional power-sharing and control over security forces and because, as he saw it, he did not receive enough support from the USA and the international society. Ahmad Qurei (known as Abu Ala, yet another PLO veteran, a chief negotiator during the secret Oslo talks in 1992-1993 and Speaker of PLC after the 1996 elections) took over as Prime Minister in October 2003 and stayed on until the defeat of Fatah in the 2006 elections.

2.8 The Further Advance of Hamas into Palestinian Body Politics

Hamas underwent a major strategic reorientation in 2003-2005, culminating in a broad inter-Palestinian agreement 17 March 2005 (the Cairo Declaration, see Appendix 4) that paved the way for full participation of Hamas in national politics. The parties agreed that the next PLC elections should be held on 17 July that year. The first solid sign of the reorientation came in June 2003 when Hamas signed an agreement about a unilateral Palestinian ceasefire with the short-lived government of then Prime Minister Mahmoud Abbas. This agreement signalled the beginning of a fragile "national dialogue" between the secular (Fatah-dominated) and religious (Hamas-dominated) Palestinian factions that has continued to this day. The unilateral ceasefire (*hudna*) agreed upon implied that Hamas would end

all armed attacks both within Israel and in the territories for an unspecified, but potentially long period of time. As seen from Abbas' point of view, it was critically important to bring Hamas on board if the Palestinians should be able to deliver on their fresh commitments under the Roadmap for peace with regard to cessation of hostilities and at the same time avoid civil war with Hamas. Both at this critical juncture and later, Abbas has followed Arafat's overriding strategic principle of avoiding a Palestinian civil war.

The alternative way of action as demanded by Israel and the Bush administration of forcefully dismantling Hamas, other militant groups and the whole "infrastructure of terrorism" was totally unrealistic. The strength of Hamas was not only based on its military capabilities and willingness to use it, but also on the large number of social institutions operated by or affiliated with Hamas. It has been reported that at the time of the outbreak of the al-Aqsa intifada in 2000 about 65 % of all education below secondary school in Gaza was Islamic and thus controlled or influenced by Hamas.⁷³ At the same time, in the late 1990s, Islamic institutions in the West Bank and Gaza Strip provided support for some 275,000 Palestinians.⁷⁴ With the disintegration of PA institutions and deepening economic crisis the following years it is likely that these figures increased dramatically. Had Arafat and later Abbas under such circumstances initiated a major military crackdown on Hamas and closed its social institutions, the likely result had been a total collapse in all societal structures and a humanitarian crisis of unknown proportions.

The 2003 hudna was shortlived, but strengthened expectations that Hamas would enter Palestinian political institutions set up by the Oslo framework sooner rather than later and thus participate in upcoming elections. The next step in that direction was the decision by Hamas to participate in successive local elections starting in late 2004. Officially, this did not indicate a recognition by Hamas of the Oslo institutions since elections for municipal councils were not explicitly regulated by the Oslo Accords.⁷⁵ Hamas had also made it clear that they did not intend to present a candidate for the 2005 PA presidential elections. On the other hand they would not oppose those elections and would recognise the outcome.

The logic behind the convergence of interests between the two main political blocks – the secular Fatah and the religious Hamas – was the general understanding that any future Palestinian polity would be dominated by these two ideological traditions and that they sooner or later would have to find an overarching national platform on the basis on which to build common institutions and basic negotiating positions vis-à-vis Israel. As Haim Malka observes: "Many fear that a larger Hamas role in negotiations will lead to a hardened Palestinian negotiating

⁷³ Sara Roy, "The Transformation of Islamic NGO's in Palestine", *Middle East Report*, no. 214 (Spring 2000):25 cited in Malka Haim 2005, "Forcing Choices: Testing the Transformation of Hamas", *The Washington Quarterly*, vol. 28, no. 4:39.

⁷⁴ International Crisis Group, "Islamic Social Welfare Activism in the Occupied Palestinian Territories: A Legitimate Target?", *Middle East Report*, no. 13 (April 2003):7 cited in *ibid*.

⁷⁵ Local elections were of course part of the larger process of building a national Palestinian political system within the confines of the Oslo framework, and regulated and implemented by central institutions set up by that framework.

position once final-status negotiations resume. This may be true, yet Hamas' participation could also strengthen any deal that is eventually struck, giving it greater legitimacy through a wider consensus within Palestinian society."⁷⁶

Significantly, in spite of a steep rise in its support base during the al-Aqsa intifada years⁷⁷, Hamas did not opt to create a competing PLO, but chose accommodation. In stead of fighting the PLO, it became clear that Hamas would demand an important role in a reorganised PLO that would include the Islamist groups in addition to its established secular-nationalist composition. This position was clearly one important precondition for a possible historic conciliation between Fatah and Hamas. Another precondition, just as important, was that the Fatah leadership respected Hamas as a legitimate part of Palestinian resistance and political life and in practice resisted demands from Israel and the USA to dismantle the organisation and its infrastructure. It was clear to all that if the Palestinians were ever to obtain statehood and real independence and sovereignty, a continuation of the process of disintegration of central authority and the emergence of parallel and competing militias and societal organisations had to be arrested. A unified system for the enforcement of the rule of law and an authoritative monopoly of the use of force would have to be established. The question was only: On which principles and what should be the rules of the game.

The Cairo Declaration of March 2005 – which was the outcome of three days of talks between 13 Palestinian factions facilitated by Egyptian officials and with the participation of the Syrian deputy foreign minister – was an important step in the attempts to create a more unified national platform for the building of a future Palestinian political system initiated two years earlier. At this juncture, the first rounds of local elections had already been held, giving clear indications of what was to come in terms of voter support for Hamas (or opposition to the ruling Fatah party).⁷⁸ As Graham Usher commented: "The results confirmed two realities long in the making: Hamas is ready to vie for political power within the PA, and Hamas can now compete with Fatah throughout the Occupied Territories, including West Bank towns like Qalqilia that had been Fatah strobholds."⁷⁹ On the Cairo Declaration he commented: "Make no mistake: The unprecedented integration of Hamas into the Palestinian political system that the Cairo Declaration heralded marks not the movement's decline. It marks its ascent."⁸⁰

It was agreed in Cairo that the PLC elections scheduled for 17 July should be held under a "mixed" electoral system in which 50 % of the seats are distributed by constituencies and 50 % by proportional representation (more accurately, this system should be called a *parallel* system as discussed in Section 5 in this report).

⁷⁶ Malka, Haim op. cit., (note 73), p. 40.

⁷⁷ According to Graham Usher, referring to an opinion poll by the Palestinian Center for Policy and Survey Research, Hamas increased its popularity by 60 % in the first three years of the intifada, emerging as a power equal to Fatah in parts of the West Bank and outstripping it in Gaza. See Usher, op.cit., note 70.

⁷⁸ See Part II of this report for a closer examination of the local elections.

⁷⁹ Usher, op.cit., note 70.

⁸⁰ Usher, Graham, "The calm before the storm?", Al-Ahram Weekly 24-30 March 2005.

However, Fatah and the Fatah-dominated PLC was not ready for new elections on the date given, not least motivated by the raising popularity of Hamas. In addition came the decision by the Israeli government to unilaterally withdraw settlers and soldiers from the Gaza Strip and certain settlements in the West Bank in the autumn of 2005. This gave Fatah an excuse for postponing elections, first for December 2005 and finally until 25 January 2006.

An Egyptian intelligence official summed up arguments for a delay of the elections: “This will allow the PA to benefit from the achievement of the [Israeli] disengagement, manage an orderly disposal of the [settlement] assets in Gaza and put an end to the existing chaos. The public will then support the [Palestinian] Authority against Hamas.”⁸¹ Furthermore, as seen from Fatah’s point of view, the party needed more time to get its own acts together before having its voter confidence being tested in elections. Only in March 2005, hundreds of party cadres resigned their party posts. Demands for a new and more united and respected leadership were mounting. Protesters wanted the “young guard” under the leadership of the imprisoned Marwan Barghouti to replace the incumbent “old guard” that had been discredited by corruption, mismanagement and a lack of effective leadership in the struggle against the occupation. The Fatah General Conference, scheduled for August that year and expected to bring needed changes and nominations of candidates for the PLC elections that had the confidence of the people, were however never convened, and many predicted a split in the party. Fatah was able only at the very last moment to set up a unified list of candidates for approval by the Central Election Commission, merging two separate lists that had been prepared by competing factions in the party. The unified list was first rejected by the CEC because it was submitted after the formal deadline on 14 December, a decision that was changed by the Election Appeals Court (see Section 11.4 below).

The last sequence of political events that will be commented here, although it happened after the PLC elections, relates to the question of holding a referendum to solve the political (and humanitarian) crisis that followed the victory of Hamas in the PLC elections and the forming of a Hamas-dominated government.⁸² This crisis was not first and foremost a result of Palestinian infighting. In fact, the change of government from Fatah to Hamas, just like the elections themselves, was conducted according to basic democratic rules (in contrast to experiences from some other countries where the incumbent party refuses to hand over government to the opposition after losing an election or manipulates the electoral process to secure victory). This transfer of power can be taken to reflect that, after all, a considerable level of trust did exist between Fatah and Hamas, strengthened by Hamas’ adherence to the ceasefire agreed in Cairo in March 2005 and the relative discipline displayed by all parties during the electoral process. In short, there are reasons to believe that the Fatah-Hamas dialogue had achieved important results,

⁸¹ Ibid.

⁸² The reason why this is briefly discussed here is that legal and technical aspects of holding referenda in OPT – with reference to the expressed intention of president Abbas to present the “Prisoners’ Document” for referendum in June 2006 – is elaborated in some detail in Part II of this Report..

even though – and significantly – Fatah refused to hand over to the new government control of security forces that were formally under PA government control, but firmly under Fatah domination. This, combined with the devastating effects of the international financial and diplomatic boycott of the new Hamas government and the Israeli confiscation of Palestinian tax and costume revenues, contributed to growing security chaos and a humanitarian crisis, particularly in Gaza.

International diplomacy, dominated by the USA and the Quartet, was faced with a dilemma. On the one hand, the Palestinians had delivered what was expected from them: democratic elections. Politically, financially and technically, the West had supported the elections and had not demanded that Hamas and other militant groups should be excluded from participating (but warned the Palestinians not to vote for the Hamas-controlled party Change and Reform). As Maim Malka comments: “The [US] policy seems to indicate that the administration recognises both the difficulty of disarming militant groups and of promoting democracy in the region while excluding those, including Hamas, who have been some of the more vocal advocates for accountable and transparent government.”⁸³

On the other hand, the elections produced a political result that was unacceptable for Israel and the US because Hamas does not recognise the State of Israel and in principle has not renounced armed resistance. Although the essence of democracy as a political system is the unpredictability of elections and the real test is that all relevant parties respect the outcome, the Quartet presented the new Palestinian government with demands to the effect that Hamas would either have to change essential elements of its ideology and identity or resign from government.⁸⁴ In this way, negotiations with a view to building a Palestinian state on the basis of the elections, or involving the new government in a peace process was effectively blocked. Many western observers criticised the Quartet for inflexibility and hypocrisy, punishing the Palestinians collectively for exercising their democratic rights, and thus in effect undermining respect for democracy and the expressed intentions of spreading democracy to the Middle East.

President Mahmoud Abbas did not have much room for manoeuvring in this situation. As a leader of the “old guard” in Fatah his political position had been weakened considerably by the elections and any attempts to dissolve the government would be blocked by the new PLC (if not by street demonstrations). In the spring of 2006 there seemed to be a real danger for a total collapse of Palestinian institutions with Israeli reoccupation as a possible scenario. In this situation an unexpected initiative came from leading Palestinians in Israeli prisons. The purpose was to present a new political platform as a basis for national reconciliation building on the national dialogue initiated in 2003. The document presented by the prisoners on 11 May (“Prisoners’ Document”, see Appendix 5) was issued in

⁸³ Malka, *op.cit.* (note 70), p. 50.

⁸⁴ The Quartet demanded that the new government should recognise the State of Israel, respect existing agreements based on the Oslo Accords and renounce violence.

the name of all leading factions with a reservation only expressed by Islamic Jihad. It thus introduced a new political dynamic immediately seized upon by President Abbas in order to regain the political initiative and define the rules of the game for next steps. He gave the Hamas government 10 days to accept the document without changes or face a referendum called for by the President.

The Document can be seen as an updated Palestinian liberation doctrine that reflects a radicalisation of the movement. This furthermore reflects that Hamas with its radical positions on national issues is negotiating its way into existing national institutions. The Document stops short of breaking away from the path of negotiations by limiting the doctrine to territories occupied by Israel in 1967 (and not whole historic Palestine) and accepting solutions based on “international law and legitimacy” (paragraph 1). By further restating that negotiations on behalf of the Palestinian people “falls within the jurisdiction” of the PLO and the PA President (paragraph 7) an opening is given for interpreting this to the effect that Hamas implicitly recognises international agreements that PLO has entered into (including the Oslo Accords).⁸⁵

In short, the Prisoners’ Document largely restates positions on the purpose and aims of the Palestinian national struggle as adopted by the Palestinian National Council in 1988. At this 17th meeting of the highest authority of the PLO, the Palestinian movement for the first time recognised all UN resolutions relevant to the solution of the Palestine problem, including the Partition Resolution of 1947 and the Security Council Resolutions 242 and 338 that implied recognition of Israel within its pre-1967 borders. The Council also at this juncture declared the establishment of the State of Palestine in the occupied territories with Jerusalem as its capital and Yasser Arafat as its president.

The Prisoners’ Document does not outright invalidate the Oslo Accords, but represents a marked reaffirmation of “the constants” of the liberation movement as stated in the pre-Oslo PLO platform as a means of unifying “the Palestinian political discourse” (paragraph 4). In this way, the Document brings all Palestinian factions into a national consensus based on the principle of a two-state solution. This was a major achievement by Mahmoud Abbas. On the other hand, it can also be seen as a retraction of concessions given by the PLO in the Oslo process, particularly with regard to permanent status issues, as demanded by Hamas and other critics of the Oslo process. Israel has consequently made it clear that the Prisoners’ Document is unacceptable as a basis for peace negotiations.

With reference to the March 2005 Cairo Declaration (see Appendix 4), the Document furthermore draws up the principles for a reorganised PLO as the “legitimate and sole representative of the Palestinian people”, including “national and Islamic forces” on a proportional basis and the formation of a new Palestinian national Council before the end of 2006 (paragraph 2).

⁸⁵ This seems to be the point that Islamic Jihad would not sign on to.

The ultimatum of holding a referendum presented by Abbas on 25 May was rejected by Hamas and preparations for a possible referendum were initiated (see Section 12 below). The political stalemate thus created was dissolved on 27 June when the parties, now represented by their respective leaderships, agreed to certain changes to the original version. The language was made more acceptable to Hamas in some sections, without changing the political substance of the document. The referendum as announced by President Abbas was consequently not necessary. Further plans for the implementation of the Prisoners' Document, including the formation of a national unity government, were however interrupted by the deepening political and security crisis in the territories and then indefinitely postponed following the massive Israeli military incursion into Gaza in June.

Part II

Analysis of the Palestinian elections including the legal framework,
the electoral processes and the results

This part of the report will cover all elections for political institutions held in the Palestinian Territory after 1996. The description starts by a summary of the findings of the NORDEM observers during the 1996 elections for President and the Palestinian Legislative Council (PLC). The main comment in the NORDEM report at that time was on the system of representation, which was a first-past-the-post system in multi-member constituencies – the block vote system. This system was in parts carried over to the 2006 PLC elections and forms a central focus of the present report. We have therefore used a full section (Section 4) to describe this system of representation.

Elections were held in 2004, 2005, and 2006 according to no less than four different elections laws. We have therefore decided to describe all the election-related legislation in one section (Section 5) before describing the electoral processes more precisely.

The two sections describe the pre-election processes at large. The international community played an important role in encouraging reform of institutions and new elections in the Palestinian Territory. This was part of the political process which is described in general in Part I but Section 6 we cover the main events from an electoral point of view. The next section covers the Palestinian efforts to establish a new legal basis for the elections to be held and election reform issues. In both the international efforts to define the conditions for meaningful elections in Palestine and in the drafting of a new election law the author of this part of the report played an active role as an advisor. Sections 6 and 7 should therefore be read as first hand accounts on what happened and the discussions behind the scene.

After that, Sections 8 - 11 cover voter registration, the Presidential elections, the local elections, the PLC election, and the announced but not held referendum on the 'prisoners' document'.

A final section includes recommendations for the future. The main focus is a discussion of possible systems of representation for PLC but there are also more detailed suggestions on a number of issues. Such recommendations are also given in the text where they belong but the last section gives a brief summary of the most important improvement points as the authors see them.

3. The 1996 Elections

The first elections in the Palestinian Territory after the establishment of the Palestinian Authority (PA) were held in 1996. They were observed by a Norwegian observer delegation organised by NORDEM at a request by the Norwegian Ministry of Foreign Affairs. After the elections NORDEM published the report “Interim Democracy”⁸⁶, assessing the elections from a political as well as electoral point of view. The report concluded with a set of recommendations for future election.

First of all the report discussed the system of representation for the Palestinian Legislative Council (PLC):

”The electoral system that was used in the first Palestinian elections had disadvantages that could be accepted under the circumstances connected to these first elections. In the future it would be expected that parties would play a more important role. It would be strongly recommended that in the future, an electoral system would be adopted that will guarantee big minorities representation without having to negotiate and make deals with the majority. With the present system a minority will only get seats at the mercy of the majority.”

The electoral system was a plurality-based system in multi-member constituencies, often called the block vote system⁸⁷. The system is discussed in detail in Section 4. In the 1996 report it was pointed out that non-Fatah candidates got elected mainly because Fatah decided not to impose loyalty from its members or supporters, neither in terms of candidacies nor in terms of voting. A few genuine opposition candidates got elected at the grace of Fatah despite the electoral system, not as a feature of the system.

On the quotas for Christians and Samaritans the report had two comments. First of all there was a doubt among the stakeholders back in 1996 to whether the quotas were meant as minimum quotas or exact quotas and the Central Election Commission came out in favour of the latter. The report did not agree with this interpretation. Secondly the report generally did not recommend quotas because

⁸⁶ Edited by Nils Butenschøn and Kåre Vollan.

⁸⁷ We follow the terminology of the International IDEA: *Electoral Design: The New International IDEA Handbook*, Stockholm 2005.

they would change the political composition of the PLC.

In addition the 1996 report made the following recommendations:

- The “rules of the game” should be defined well in advance of the elections.
- The campaign should be less restricted, and the media should be encouraged to cover a variety of opinions in the editorial columns.
- The election law should be changed so that all reasonable indications of preferences on the ballot papers should be accepted provided there was no doubt about the voter’s intention.
- The publishing and scrutiny of results should be planned in such a way that no doubt could be raised against the final results. It is important that detailed results broken down by polling stations (or to the level of the count) are made available to the public in such a way that each witness can verify the results given.
- The elected bodies should be given good working conditions, a basic law should be passed and basic human rights should be secured.

In the end the report expressed a hope that the final status negotiations be finalised with success and that the next elections would be held in a peaceful and safe atmosphere.

In the following sections we will discuss some of the points raised in 1996. The most important single issue – apart from those deriving from the Israeli occupation – is the system of representation for the PLC elections. The first-past-the-post system in multi-member constituencies (the block vote system) is unusual in multi-party elections for a legislature as it is predominantly a winner-takes-all system. The system underwent discussion over a number of years after the elections and was kept as one of two elements of the parallel system adopted in 2005.

4. The Block Vote System – First-Past-the-Post in Multi-Member Constituencies

The block vote system is not a common system for elections of a parliament in multi-party democracies, even with the large variety of systems, which are being internationally used and accepted. The reason is twofold: normally the block vote system will give the biggest party a huge benefit making it very difficult for smaller parties to get representation at all. In such cases where such effects are not obvious, the results may be rather random in such a way that tactical behaviour from the parties and the voters may give big advantages.

The most common systems of representation used around the world are proportional systems and plurality or majority based systems in single member constituencies. These systems are implemented in a number of varieties, but in many ways they represent the two extremes within the class of systems normally regarded as acceptable systems for multi-party elections.

The different systems will have different strengths when measured against criteria for good electoral systems. A thorough discussion of the various criteria for electoral systems is given in the report ‘State Structure and Electoral Systems in Post Conflict Situations’.⁸⁸ We will here limit the discussion to a few common criteria:

- The system should produce a *representative* result. That means that the elected legislature should reflect the composition of the electorate. Proportional systems will produce the most representative result along party lines, since the system will give a distribution of seats which is close to proportional to the distribution of the votes cast. Plurality or majority-based systems in single member constituencies will normally give less representative results along party lines. If the strengths of parties are quite equal across the country, the biggest party will have an advantage in plurality or majority based systems. If there are geographical differences such as in the UK, the smaller parties will have a fair chance to be represented, even though not in proportion to their support.

⁸⁸ By Jarrett Blanc, Aanund Hylland and Kåre Volla, IFES and Quality AS 2006.

- The system should support *accountability*, which means that the voters should be able to scrutinise the performance of the representatives. With single member constituencies the geographical area, which a representative is elected from, is fairly small, and the voters may be able to follow the representatives' performance in the parliament closely. If the voters are dissatisfied with the representative, a re-election is less likely. Most countries with proportional systems have divided the country into multi-member constituencies. Even though these are bigger than the single member ones, many may feel that the accountability is still sufficient. The possibility for holding single candidates accountable may be strengthened by introducing open lists.
- The system should give the voter a possibility to *influence the composition of the parliament* not only in terms of parties but even personalities. In plurality and majority based systems the voter will have to make a choice between supporting a party or a candidate in the case she or he does not like a candidate proposed by the party of preference. In List proportional systems a voter may choose among candidates within the party of choice.
- The system should promote *stable governments*. Since plurality and majority-based systems would normally give an advantage to the biggest parties and also make it difficult for small parties to be represented, such systems would often produce parliaments with clear majorities. Proportional systems may in their purest form lead to a fragmentation of parties, but such fragmentation may be counterbalanced by introducing a *threshold* for winning seats. In addition many countries have long traditions for coalition governments, which need not in themselves be weak.
- The system should not be prone to *tactical behaviour* by parties or by voters. Tactical behaviour means that the voter or party does not act according to their preference because that could have side effects, which they do not vote. One example is that a voter does not want to vote for his or her first preference in a single member constituency because the candidate represents a small party and has no chance of being elected. Instead the voter votes for the second preference to avoid that a candidate from the opposite side of the spectrum gets elected. Voting for a losing candidate may be felt as being a "wasted" vote.

In a List proportional system with some kind of nationwide distribution of seats⁸⁹ without threshold there would be little benefit from tactical behaviour, whereas in single member constituencies there will be considerations as already mentioned. However, in single member constituencies such considerations are at least fairly simple and voters and parties get used to the situation (even though the small parties often find that they are disadvantaged by the system because people do not show their real support).

⁸⁹ By compensatory seats or by defining the whole country as one single constituency.

The block vote system is a plurality system in multi-member constituencies. Parties may propose individual candidates up to the number of seats in the constituency. The ballot will normally show the party affiliation. In addition individuals may run as independent candidates. The voter will have as many votes as there are seats in the constituency, but may choose to cast fewer votes.

The results follow the 'first-past-the-post' system where simply the individual candidates who win the highest number of votes are elected. The system is often used for election of a board in an organisation where factions are not organised and where the individual skills are predominant criteria.

When the electorate are divided along party lines the effects can be extreme, which is being illustrated by the following example. Five parties are running for five seats in a constituency. The support for the parties is: party A 30%, B 25%, C 20%, D 15 and E 10%.

If all voters vote according to their party preference one will have the following result, if there are 100,000 voters in the constituency:

Party	Candidate	Votes
A	a1	30,000
A	a2	30,000
A	a3	30,000
A	a4	30,000
A	a5	30,000
B	b1	25,000
B	b2	25,000
B	b3	25,000
B	b4	25,000
B	b5	25,000
C	c1	20,000
C	c2	20,000
C	c3	20,000
C	c4	20,000
C	c5	20,000
D	d1	15,000
D	d2	15,000
D	d3	15,000
D	d4	15,000
D	d5	15,000
E	e1	10,000
E	e2	10,000
E	e3	10,000
E	e4	10,000
E	e5	10,000

Table 4.1.

Example of a block vote result where the largest party wins all five seats with 30% of the votes. All the five candidates of party A get 30,000 votes which are more than all the candidates of all other parties and party A therefore wins all the seats. This is why the system is often referred to as a winner-takes-all system.

The example illustrates the results in the case where the voters do not split their ballot but loyally vote for all the candidates of their preferred party. This does not necessarily happen in Palestine. Nevertheless, the effect was clear in 1996, and in 2006 it had a dramatic effect.

In 1996 Fatah was the dominant party. They did not need to impose discipline on their supporters nor on prominent members to be sure to win a comfortable majority in the Council. On the contrary, Fatah allowed prominent members of the movement to run as independent candidates, even if they had first been unsuccessful in being nominated as Fatah candidates. Fatah also decided not to nominate more than 76 candidates of the 88 seats to be filled. In the end 49 out of the 76 Fatah candidates were elected together with at least another 15 independent candidates with links to Fatah.

In 1996 the largest opposition group Hamas did not participate in the elections. A few Islamist candidates ran as independents. Four were elected.

The opposition, which actually participated in 1996 consisted of a few small parties and some genuinely independent (not Fatah affiliated) candidates.

The organised parties did not get rewarded for their support. The best example would be PPP, who was running in all constituencies and did not get any candidate elected. It is difficult to say what their support actually was as a party. In Ramallah, however, the top candidate (Mustafa Barghouthi) got 20.5 percent of the votes, but he was not one of the seven candidates to be elected, even though he was close⁹⁰. In order for a small party like PPP to get a candidate elected, they should only nominate as many candidates as they can realistically get elected (in the PPP example only one) and they should instruct their voters to cast votes only for the few candidates of their own party. In that way they will not give votes to the main competitors and they could at the same time hope to get some occasional support from other parties' voters.

Highly respected individuals may have a chance to be elected under the block vote system. In 1996 Dr. Hanan Ashrawi got the second highest number of votes in Jerusalem and Dr. Haider Abdel Shafi came first in Gaza City because many voters gave most votes to Fatah candidates but offered one out of the seven, respectively twelve votes to the independent candidates.

When Fatah did not win more seats than they did in 1996 it was due to the fact that they allowed their voting force to be diluted by having Fatah candidates running as independents and thus extract votes away from the official Fatah candidates. The few opposition candidates who won seats were elected at Fatah's grace. Fatah could, if they had wanted, have taken almost all seats in the Council in 1996.

⁹⁰ Without a Christian quota in Ramallah he would have got the last mandate.

The discussion of the block vote system in our report *Interim Democracy* ended as follows:

“The main conclusion is that the system adopted for the Palestinian elections cannot guarantee a political minority, even a large one, representation in the Council, but it leaves room for popular individuals to get elected. In Palestine, Fatah was expected to be dominant, and there was a risk that hardly any opposition candidate would get elected. Arafat and Fatah tried to alleviate the impression of organising a pure Fatah election, and decided not to put pressure on voters to be loyal, and not to nominate full lists.

But the system does give a potential for being more exclusive, and thus leaving the opposition without representation. In that way the majority does not only decide who is representing themselves, but the majority can even to a large extent decide who - if any - should represent the minorities. The minority will get seats as long as the majority finds it convenient, but the majority may also decide to exclude even large minority from representation.”

In 2006 the situation was totally different. Hamas ran under the name *Change and Reform* and Fatah and Hamas were the two main competitors in the constituencies, even though there were a large number of independent candidates as well.

Unlike what had been predicted by most observers, Change and Reform (Hamas) became the biggest party. The electoral system had been changed by the introduction of a list proportional (*List PR*) element. We therefore know the relative strength between the two main competitors, which was 44.4% for Hamas and 41.4% for Fatah. 66 seats were filled from the constituencies under the block vote system, out of which Hamas won 45, Fatah 17, and independent candidates took 4 seats. Out of the 17 seats won by Fatah 1 was in the single member constituency of Jericho and four were taken because of the Christian quotas in Jerusalem, Ramallah and Bethlehem.

Hamas got all their candidates elected in ten out of the sixteen constituencies and Fatah took all seats in three. Only in three constituencies the two groups were so close to each other that the mandates split between them.

The result therefore illustrated very clearly the winner-takes-all quality of the block vote system. The larger the constituencies are the clearer the advantage is for the winner. Had the whole territory been one single constituency even for the block vote elections (which would not be practical though) it is likely that Hamas had taken close to all seats. Since there were some geographical variations, the method came out in favour of Fatah in a few constituencies but the effect of the method was the same.

In conclusion, more than in single member constituencies the block vote system gives a big advantage to the largest group. Small parties have hardly any chance to win seats if the large parties are able to keep discipline in their electorate.

5. The Election Legislation. Background and Features

5.1 *The Oslo Accords and the 1995 Election Law*

As discussed in Part I, the basis for the first elections in the Palestinian territory in 1996 was the Oslo Accords. The agreements were entered into in three steps:

1. Washington 13 Sept 1993: The Declaration of Principles (DOP)
2. Cairo I February 1994 and Cairo II May 1994: On the Israeli withdrawal from the Gaza strip and Jericho
3. Washington 28 September 1995: The Interim Agreement (Oslo II).

Already the *DOP* stated that the aim was “to establish a Palestinian Interim Self-Government Authority, the elected Council (the “Council”), for the Palestinian people in the West Bank and the Gaza Strip, for a transitional period not exceeding five year”. Elections were to be held in accordance with an agreement on elections between the parties.

The *Cairo II* defined the structure of the Palestinian Authority (PA) until the elected Council were inaugurated. The PA should consist of one body of 24 members appointed by the PLO and that body should have all the legislative and executive powers according to the agreements between the parties. (According to the DOP and Cairo such powers excluded external security and foreign relations.)

The *Interim Agreement* specified the structure of the Palestinian bodies in more detail and included a comprehensive Annex on elections.

According to the Interim Agreement the Council (later called the Palestinian Legislative Council (PLC)) and the President should be directly elected on the same day. The term in office was the transition period, which was supposed to end at the latest five years after the entry of the Gaza-Jericho Agreement on 4 May 1994. The Council was supposed to have 82 members plus the President who was *ex officio* member. Before the first elections the number of directly elected members of the PLC was raised to 88, but only after an agreement on the matter with Israel.

The regulations of the elections were rather detailed and included:

- Campaign and media regulations,
- Special arrangements for the campaigning in Jerusalem. The regulations were not spelled out in detail.
- The establishment of a Central Election Commission and subordinate District Election Commissions,
- Detailed regulations of the establishment of the voters registers including the right to vote and the verification of the registers. The voters registers were to be shared with Israelis who could delete names from the register.
- Special arrangements for the voting in Jerusalem. The voting in East Jerusalem was restricted to five post offices in a number restricted by the capacity of the post offices. The rest of the voters from East Jerusalem (within the former Jordanian municipality of Jerusalem) would have to vote at polling stations specially allocated for such voters on the West Bank.
- Observation of the elections by international observers and the introduction of the trilateral Israeli – Palestinian – European Union forum to deal with issues related to observation (security and logistics).

The systems of representation were not specified, but it was implied by the nomination procedures that the elections for the Council was held in constituencies.

Contrary to what the Israelis claimed in 2004 and 2005 there were no restrictions on the voter registration in East Jerusalem, Section 8.3 and Appendix 3.

Further regulations of the elections were to be given in an election law issued by the PA. Such a law was issued by decree by “the President of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian National Authority”, on 7 December 1995.⁹¹

The law regulated for the first time the system of representation for the PLC, the block vote system as discussed above. The election for the president was a plural (first-past-the-post) system.

Candidates could be nominated by registered parties or as independents. Independent candidates for the presidency had to collect 5,000 signatures in support if candidacy and candidates for the Council would have to produce 500 such signatures. Party candidates did not have to collect signatures. The Minister of Interior had the authority to register parties, but when they failed to do so the President of the PA registered all parties which were part of the PLO by decree.⁹²

⁹¹ This law No 13 with amendment of law No 16 1995 was the basis for the 1996 elections and it was also used for the 2005 presidential elections with necessary amendments made in 2004.

⁹² For a further assessment of the 1996 law see our report Interim Democracy of 1996

5.2 *The Basic Law*

Already on 2 October 1997 the Basic Law passed its third reading in the PLC. However the law was only signed by President Arafat on 29 May 2002. After that it was amended twice, first in March 2003 when a prime minister position was introduced and then in August 2005 to make allow for the changes, which were introduced with the new election law.

There was some hesitation in the PLC to start with when it came to making changes in the electoral regulations, which could be seen to differ from the Oslo accords. The Palestinians did not want to give Israel any excuse for not honouring what had been granted regarding in particular elections in East Jerusalem. However, the basic law did introduce a few moderate changes to the structure of the Palestinian bodies already in 2002, and by the amendments for example the number of members of the PLC had been increased beyond what had been agreed in the Oslo accords.

The First Basic Law of 2002

The Basic Law of 2002 kept a Council, now called the Palestinian Legislative Council (PLC) with 88 directly elected members. The President would not be member of the PLC.

The executive authority was the President of the Palestinian National Authority and the Council of Ministers. The President was to be directly elected.

The term in office for both the PLC and the President was set to the 'transition period', which refers to the period, which, according to the Oslo accords, the final status agreement should be negotiated.

The Council of Ministers could have up to nineteen members. The members where proposed by the President but needed to pass a vote of confidence in the PLC before assuming office. There were no rules on how many of the ministers had to be elected PLC members.

The legislative authority rested with the PLC but the President would have to promulgate the laws within thirty days of having been referred to him. If he refused to promulgate a law, the PLC could pass the draft by to third majority and the law would then be effective without the President's signature.⁹³

⁹³ In practise the rule was not used and the deadline was passed a number of times with no consequence. In the interim period after the death of President Arafat, the acting President Fatouh signed a large number of laws which ad been pending the President's signature.

The Basic Law as Amended in 2003

In 2003 the basic law was changed to include a Prime Minister position, see Section 1.4. In the tense situation of Israeli military actions towards the PA (see Section 2.7), the PLC with the consent of Arafat changed the basic law in 2003 to introduce a position as Prime Minister who would be the head of the government (Council of Ministers).

After the change executive authority was given to the Council of Ministers in all matters, which were not explicitly given to the President by the basic law (Article 63). Two areas of jurisdiction for the President would still be the command of armed forces (Article 39) and appointment of representatives abroad and reception of foreign representatives to the PNA (Article 40). The president would still need to promulgate laws passed by the PLC and would have the right in exceptional cases to pass decrees which would have to be ratified by the PLC whenever practically possible (Article 43).

The President was to select the Prime Minister and the Prime Minister would form a government consisting of up to 24 ministers. Once the government is formed the government must win a confidence vote in the PLC. If the vote fails the president would select a new candidate for the Prime Minister position and the process is repeated.

The Basic Law as amended in 2005

In 2004 a new election law was drafted and it got adopted in 2005. The PLC had introduced a reform of the system of representation and the size of the PLC, which was not in line with the Basic Law. The Basic Law was therefore changed at the same time as the new election law was passed.

The legal committee of the PLC proposed a few changes, which were not necessary for the change of the election law, such as an introduction of a Vice President position, and a possibility to dissolve the PLC and announce early elections in case of a stalemate in the efforts of forming a new government. These changes were not adopted.

The changes passed were:

- Instead of specifying the size of the PLC to 88 members it was now left with the election law to specify the size.
- It was also explicitly stated that the system of representation is to be specified in the election law.
- The term in office for both the President and the PLC was changed from 'the transition period' to four years.

- The President's term in office was limited to two consecutive terms only.
- The term of the PLC was to end when a new PLC is being sworn in.

5.3 The 1995 Election Law as Amended for the Presidential Election in 2005

In August 2004 a new election law was drafted by the PLC legal committee (see Section 7.2) and it passed the first reading in the PLC. When President Arafat died on 11 November 2004 it was decided to hold a new direct election for President⁹⁴. Instead of speeding up the process of passing the new election law in the PLC it was decided to use the 1995 law for the presidential elections scheduled for January 2006, and to only adopt such amendments as deemed necessary from a practical point of view.

The electoral system for the presidency was the plural (first-past-the-post) system. The voters would vote for one of the candidates and the one with the highest number of votes would be elected regardless of the share of votes. (A fifty percent majority would not be required, see the discussion in Sections 7.2 and 13.2.2)

Registered parties⁹⁵ could nominate candidates and candidates could run as independent. A candidate needed to show 5,000 signatures of support from voters⁹⁶.

The amendments made in 2004 to the 1995 law were partly inserted to allow for using the voter register, which had already been established by the Central Election Commission, and partly to introduce a four years' term in office for the elected president. The latter was done even though it was contrary to the Basic Law valid at the time.

5.4 The General Election Law of 2005

The election law of 2005 was a total re-write of the law. The drafting history is described in more detail in Sections 7.2 and 7.3. Here we present the law as it was finally adopted in August 2005.

The law covers the election of the president of the Palestinian National Authority and the PLC. There was a discussion about the feasibility to include even local elections but the legal committee of the PLC decided that even though it could be rational to have one combined law it would postpone the drafting process too much at the time.

⁹⁴ Alternatives for indirect elections as an alternative to direct elections under occupation were discussed but the conclusion came fast that direct elections would be the only legitimate alternative for replacing Yasser Arafat.

⁹⁵ See Section 5.4 on the registration of parties.

⁹⁶ Except for the incumbent a rule which obviously had no consequence in the 2005 election.

Election Administration

A new Central Election Commission (CEC) had been appointed by Yasser Arafat already in October 2002⁹⁷ and had at the time of the drafting of the law already established itself as a professional and independent body. The new election law intended to reflect the independent composition and the permanent nature of the CEC.

However, the members of the CEC are appointed by the President without a nomination process. Such a nomination process, which would bring forward candidates for membership for the President to select from, had been discussed during the drafting process but the final law did not include this.

It is difficult to guarantee an independent commission by legal measures. It is in the end up to the appointing body to make sure that the members have the integrity needed for the position. On the other hand, the regulations may clearly help to establish the commission as an independent body. The choice in Palestine was to have a non-partisan commission. The election law is adopted by the PLC after deliberation by all parties represented. In their daily work the CEC should, however, not be dependent on the government when organising and administering the election. Unlike in most matters where the government is to give detailed regulations within the framework of a law this should in the case of elections be done by the CEC and thus underline the independence of the commission of partisan bodies and in particular a partisan government representing the majority of the PLC only.

The election law states in Article 23:

“The Tasks and Mandates of the Central Elections Commission.

The tasks and mandates of the Central Elections Commission shall be as follows:

1. Implementing the provisions of this law in such a way that achieves its respective purposes.
2. *Working out procedures as stipulated by and in accordance with the law and passing them to the council of ministers for their approval.”*

And Article 115 states similarly:

“Issuing of Regulations

1. The Central Elections Commission shall issue the regulations necessary for the implementation of the provisions of this Law.
2. *The aforementioned regulations shall be issued by a decision of the ministerial cabinet and shall enter into force after their publication in the official gazette.”*

⁹⁷ Presidential decree of 10 October 2002

The Local election law has a similar provision in its Article 70:

“The Central Election Commission shall set forth regulations necessary for the implementation of the provisions of this law. The regulations shall be issued upon a decision of the Council of Ministers.”

If the PLC wants a tighter control of the electoral process they would be free to put more details into the law, but otherwise the body entrusted with administering the elections should be able to issue the regulations within the framework of the law without the approval of the government.

The Voter Registers

The first task the CEC undertook was to plan for a new voters register. The law included the responsibility for the CEC to maintain a voters register and it defined the voting rights. Voting rights were given to Palestinians with residency in the territory and who had reached the voting age by election day.

Nomination of Candidates and Party Registration

Candidates for the presidency and for the constituency seats of the PLC can be proposed by registered parties or they can run as independent. Each candidate for the presidency will have to present 5,000 signatures of voters in support of the candidacy and for the constituency seats for the PLC each candidate would have to collect at least 500 signatures of support. Exempted from the signature requirements are such candidates who held the posts in the period prior to the elections (see Articles 14, 2 and 16,1,b).

For the list proportional part of the election to the PLC a group of voters can propose a list upon presenting 3,000 signatures of support. A registered party does not have to do the same (see Article 16,2,b). (However Article 55,2,a does not have the exemption.)

The purpose of the signature requirement for candidates and lists is to reduce the number of choices for the voters to those who stand a fair chance to be elected. The rule has to strike the balance between not raising obstacles on candidates and lists in order to challenge the power, but on the other hand reducing the choice for the voters to a reasonable amount. The election does not get more ‘democratic’ if any person who so decides can be listed on the ballot without having any realistic chance at all. The signatures of support shall therefore be an indicator that the person is able to collect some support and the money deposit should show the commitment of the candidates to run a serious campaign for office. When those already filling a seat are exempted for the signatures it is because they have shown in elections that they can collect support.

This is quite common and one may in the future consider to take it a step further in such a way that parties which have won some list seats or a minimum number of constituency seats in an election could be exempted for signature requirements for a period of years both for the list part as well as for their constituency candidates.

All lists or candidates will have to deposit an amount of money, which only is returned to those candidates who are elected and to the lists which get at least one candidate elected. For the presidential election, the amount is USD 3,000 (Article 43,3), for a constituency candidate it is USD 1,000 (Article 17,1) and for a list for the proportional election the amount is USD 6,000 (Article 17,2).

There is no law regulating the parties including their registration, after the 1995 election was revoked. The exemptions for lists proposed by parties to collect signatures was therefore difficult to handle and the CEC decided to go by the rules of the 1995 law even if it had been terminated when the new election law went into force. The CEC passed a by-law on registration of parties and kept on registering parties as long as the 1995 law was still in force.⁹⁸ The original draft for a new election law in 2004 did not have the reference to registered parties at all; see the discussion in Section 7.2.

Campaign Regulations

Article 60 of the Law states: “The electoral campaign shall start twenty two days prior to the polling day and shall be closed twenty four hours before that day. Activities or media campaigns shall be banned on the day proceeding the polling day or on the polling day itself.”

The cease of the campaign activities before election day is a common rule and is possible to monitor. However, the starting point is not that obvious. Many campaign activities would be similar to the regular political discourse and many countries would not have a legal date for the campaign start. However, it is common to have regulation on the media coverage of the candidates and parties during the campaign and on the spending of money and the sources of finance. The law has a provision for not allowing campaign finance from abroad, the elected candidates have to disclose their campaign funding after the elections and there is the following ceiling on campaign expenditure:

- a. One million USD or equivalent thereof in the currency officially circulated for expenditure on the election campaign for candidates running for the position of President and/or electoral list.
- b. Sixty thousand USD or equivalent thereof in the currency officially circulated for expenditure on the election campaign for the candidate running for the election of PLC membership in the constituency.

⁹⁸ See Section 11.3 on the PLC elections for the various phases in party registration.

For that purpose, the media regulations and the finance, a period needs to be defined and twenty two days may be very short in particular for the finance control. When the elections get into a more regular schedule many campaign activities can be performed well in advance and money should be accounted for, for a longer period of time.

Electoral System for the Presidency

The electoral system for the presidency was not changed from the 1995 law. It remains a first-past-the-post system, which would mean that the candidate with the highest number of votes is elected, even if that number is below 50%. Yasser Arafat was elected with 90.1% of the votes in 1996 and Mahmoud Abbas won 62.5% in 2005. They both had comfortable margins. In more regular situations where there are groups of similar size competing for the presidency, it can easily happen that a candidate can win with only 30-40% of the votes, or even less. In such cases the authority of the president will depend a lot on the political composition of the electorate as a whole. If the winning candidate represents an extreme faction and the rest of the electorate (the majority) clearly would prefer one of the losing candidates, the respect and authority of the president may be undermined.

This is why most countries accommodate a runoff election if none of the candidates wins more than 50% of the votes in the first round of elections. This was the proposal from the drafting committee in 2004 where the runoff would have to be organised within ten days.

System of representation for PLC

The biggest change which came with the new election law was the reform of the system of representation for the PLC: The Previous block vote system for the whole membership of the Council was replaced by a so-called parallel system where half the membership was still elected under a block vote system and the other half by a list proportional system (List PR) with the whole territory as one single constituency. A parallel system is often labelled a 'half proportional system', since half of the members are elected according to a system of proportional representation and the other half is elected in a plurality/majority based system. The two elections are independent of each other so that the distribution of seats in the proportional election is not dependent on the distribution in the constituencies. This is what differentiates the system from the "mixed systems"⁹⁹ like the one in Germany where the proportional distribution is used to top up the results from the constituencies in such a way that the total composition of the Parliament (not just half) gets close to proportional. In the mixed system the List PR vote serves as

⁹⁹ We will in this report use the term 'mixed system' and Mixed Member Proportional (MMP) as synonymous terms for the same system.

compensatory seats on top of the constituency results to insure a proportional result of the full membership of the parliament. The parallel system is often a result of a compromise between those in favour of plural or majority based systems and those in favour of List PR systems, rather than a result of systems design based upon criteria agreed between the stakeholders that the system should fulfil. Parallel systems (with single member constituencies, not block vote as the plurality based half) are used in for example the Russian Federation and Japan. Ukraine changed from the parallel system to a purely proportional system in 2005. The history of the reform and discussions in the Palestinian territory is described more thoroughly in Section 7.

According to the 2005 election law the PLC has 132 members. Half of the members are elected under the block vote system in sixteen named constituencies, which follow the administrative governorate borders. Each constituency is allocated a number of seats in accordance with the size of its population, but with no less than one from each. The size varies a lot and in the 2006 elections three constituencies had one seat only and the largest constituency had nine seats¹⁰⁰. In the Palestinian variant of the parallel system¹⁰¹ each voter will have two ballots: one for the constituency election (block vote) and one for the territory wide List PR election.

The constituency ballots consist of candidate names with their affiliation in terms of list or party, or with the indication “independent candidate”. Each party can only nominate as many candidates as there are seats in the constituency. The voter can vote for up to as many candidates on the list as there are seats in the constituency. She or he may choose candidates across affiliations. The candidates with the highest number of votes are elected.

The List PR ballot consists of the names of the lists only. Each list has submitted to the CEC an ordered list of candidates when registering the list and the list has been made public before the elections. Once the voter has chosen a list he or she cannot influence which individual candidates who would fill the seats eventually won by the list. The seats are filled from the top of the list according to the order given by those proposing the list, which means that it is a closed list system.

Like in 1996 there is still a quota for Christians in a few constituencies. Six seats are allocated Christians and the distribution of the seats is left to a Presidential decree to regulate. For the 2006 elections the same distribution as in 1996 was used: At least two candidates elected from Jerusalem had to be Christians, two from Bethlehem, one from Ramallah and one from Gaza City. The Samaritan seat in Nablus was not carried over to the new law.

In 1996 there had been certain doubts as to whether the Christian quota represented a fixed number or a minimum number. When drafting the election law it

¹⁰⁰ See Appendix 7 for the overviews of seats per constituencies.

¹⁰¹ In Palestinian documents, even in the election law, the system is often referred to as a mixed system. We prefer to use the terminology of for example the International IDEA in their Elections Systems Design Handbook in order to differentiate between this system and truly mixed systems such as the German or Albanian ones.

was never any doubt that the quota was a minimum number and that was confirmed explicitly before the 2006 elections by the CEC.

Representation can be implemented along a number of dimensions. Political and the geographical dimensions are normally the most common. These two dimensions can be combined with geographical constituencies and an appropriate system of representation. Representation along other dimensions such as religion and gender can be effected but sometimes at a cost of other aspects of representation. Such side-effects are dependent on the system of representation. In general, List PR systems can include quotas without altering the political representation more efficiently than plurality based system.

The Christian quotas in the block vote system are clearly likely to effect the political representation from the constituency. The way it works is that Christian candidates would bypass other candidates as needed to get the minimum number elected. A Christian Fatah candidate may therefore be elected even though a Hamas candidate have got more votes.

The quotas could have been worked into the List PR part of the election without such side effects but it was seen to be politically impossible to introduce a system where Christians were not guaranteed representation This was in particular the case in Bethlehem. It is possible to combine geographical representation, political representation and quotas in a way with less damaging effect on the total political composition if the quotas are applied on a list proportional and not on a first-past-the-post system.

The other issue, which had been raised by the civil society at an early stage, was the need for arrangements which could secure a balanced gender balance. It had been suggested that the female representation should not be less than 20%. In order to avoid the same effects as with the Christian quotas – but in a much larger scale - it was decided that the gender rules should apply only to the List PR election. If applied to the block vote part it would be rather random which parties would in the end win seats in the constituencies.

The PLC decided not to increase the quota for women on the List PR election to make up for that the requirement was imposed only on the List PR race. The minimum requirement was therefore reduced from the original 20% out of the whole membership of the PLC to only 10%¹⁰².

For the List PR election every list would have to fulfil the following criteria to be accepted: Among the first three candidates at least one had to be a woman, among the first seven there would have to be two, among the first twelve there had to be three and then one more for each step of five¹⁰³. The table below shows some examples of legal and illegal lists according to the law:

¹⁰² 20% out of the List PR race translates to 10% for both races combined.

¹⁰³ The law has formulated the rule slightly different from this but the effect is supposed to be the same.

List example 1 Legal		List example 2 Legal		List example 3 Legal		List example 4 Illegal	
1	Male	1	Male	1	Male	1	Male
2	Male	2	Female	2	Male	2	Male
3	Female	3	Female	3	Female	3	Female
4	Male	4	Male	4	Male	4	Male
5	Male	5	Male	5	Female	5	Male
6	Male	6	Male	6	Female	6	Male
7	Female	7	Male	7	Female	7	Male
8	Male	8	Male	8	Male	8	Male
9	Male	9	Male	9	Male	9	Male
10	Male	10	Male	10	Male	10	Male
11	Male	11	Male	11	Male	11	Male
12	Female	12	Female	12	Male	12	Male
13	Male	13	Male	13	Male	13	Male
14	Male	14	Male	14	Male	14	Male
15	Male	15	Male	15	Male	15	Male
16	Male	16	Male	16	Male	16	Female
17	Female	17	Female	17	Male	17	Female
18	Male	18	Male	18	Male	18	Female

Table 5.1. Examples of lists meeting and not meeting the gender requirement of the 2005 election law.

The example illustrates that a list may choose to place women in more prominent positions than the minimum requirement without having to have a woman within every bracket of three, four or five.

The following table shows how the rules will produce a minimum representation of women from a list dependent on the number of seats the list wins.

Seats won	Minimum number of women	Minimum % women	Seats won	Minimum number of women	Minimum % women
1	0	0	12	3	25
2	0	0	13	3	23
3	1	33	14	3	21
4	1	25	15	3	20
5	1	20	16	3	19
6	1	16	17	4	23
7	2	29	18	4	22
8	2	25	19	4	21
9	2	22	20	4	20
10	2	20			
11	2	18			

Table 5.2. The percentage of women from a single list winning seats in the List PR part of the PLC elections if the list only just fulfils the minimum criterion.

From each list, which wins three seats or more at least 20% women are almost always guaranteed. Based upon general experience¹⁰⁴ one would expect around twenty percent women from the List PR election, but for the election as a whole this would be reduced to ten percent women. More women would only be elected if the parties and the voters all select women beyond the minimum requirement.

Since the quotas are applied within each list, the political composition of the PLC is not effected.

Should vacancies occur within the term in office, they would in the case of the lists be filled by the next person on the same list who was not already elected. In the case of constituency seats a by-election is held unless there is less than one year left of the term, in which case the seat remains vacant.

Incompatibilities for Candidates

The law has a rather unusual and wide ranging regulation on incompatibility between being a candidate and holding offices. Article 11 states:

- “1. The following categories of employees may not run as candidates for membership of the council or the position of the President unless they resign prior to the date set for the announcement of the final list of candidates. Their resignation shall be deemed virtually acceptable from that date without prejudice with the right of any of the employees to apply when there is a vacancy in the department of the Authority or institutions from which they resigned. To be re-employed, they shall submit to the competition and selection conditions, like other competitors, in accordance with the provisions of the civil service law and the service law in the Palestinian Security Forces, or, the employment systems in the public authorities and institutions:
 - a. Ministers.
 - b. Palestinian National Authority employees (civil and military) and/or those who are paid a salary or monthly allowance by the state treasury or the public funds affiliated thereto or under the supervision thereof.
 - c. Employees of public institutions and international organizations and heads of local authorities.
 - d. Chairpersons, directors and employees of NGOs.
2. The heads and members of local authorities and the elected heads and members of other institutions and authorities may not run as candidates unless they resign. An individual shall not return to his/her position unless he/she has been re-elected at the end of the period in which he/she submitted his/her resignation, as per the provisions of the election law specified for those authorities and institutions.

¹⁰⁴ Theoretically the share may be much less, even down to zero in the case every list wins only two seats each.

3. Excluded from paragraph (1) above shall be the person holding the position of President who applies for a new term of candidacy and the members of the council in the term prior to the elections.
4. Candidates for the presidential position or council membership shall attach to their candidacy applications their letters of resignation if they belong to any of the categories stated in paragraph (1) and (2)
5. In accordance with the provisions of paragraph (1) above judges, security, military, police officers, governors and those who did not win the elections shall not resume their posts.”

Many countries would have rules on incompatibility but few would be as far reaching as the ones in the adopted law, where it includes virtually all employees of public service, local authorities and even directors and employees of NGOs. In order to return to a public position an un-elected candidate must compete for the job. The resignation is therefore supposed to be more than a formality or a leave of absence. Elected members of local authorities have to wait for the next election to re-enter into the position they resigned from. Only incumbents in the PLC or presidency can run from the office. Ministers will have to resign. Judges and security personnel would not be able to resume office at all.

The purpose of such rules is to avoid public resources, positions or authorities being used to support a candidacy. When even directors and employees of NGOs are included it is probably because NGOs in Palestine are often well funded by money from international donors and people could suspect that such funds are used to support a candidate.¹⁰⁵

The draft from the expanded legal commission at Sharm al-Sheikh was less far reaching. NGOs were not included and the restrictions of personnel from local authorities were only applied to the leaders. Only judges were, according to the draft, prevented from resuming office.

Age requirements for being candidates

The lower age for being candidates is 35 years for president and 28 years for the PLC. Both these age limits are high in international comparison, even though similar high limits are found in the Middle East. In most countries the minimum age for taking office is the same as the voting age, and the reason is that one would leave the final judgement to who is qualified to fill a seat to the voters rather than the law.

¹⁰⁵ The experience from the campaign of Mustafa Barghuti for the presidency in January 2005 may have had some impact on how this rule was introduced.

Scrutiny and Publication of Results and Appeals

The election law does require commissions at all levels to reconcile the results by comparing the numbers voting according to the voters list with the actual number of ballots. Detailed results are to be published for all elections. It is not said explicitly that the details have to be down to polling station level, but that is the interpretation given by the CEC. All together the law and by-laws form a good foundation for transparent and correct tabulation of results.

The law also institutes an Election Appeals Court which is to adjudicate all appeals raised on the Central Election Commission decisions, except for criminal cases which are under the jurisdiction of regular courts. There are strict deadlines for the Election Appeals Court decisions.

5.5 The Local Election Law

Local and general election laws have a lot in common and in many countries the laws are combined into one. Most of the regulations regarding the election administration, candidates, voting, the count and publication of results will be common to all elections. In Palestine, that was seen to be too ambitious in 2004 and there was no attempt to include the local elections into the new law. A law on local elections had been signed by the President on 16 December 1996 but it had never been used. When local elections were planned in 2004 it was decided to use that law with some amendments. The most important amendments were passed in October 2004.

Municipal elections had not been held in the Palestinian Territory since 1976. The law from 1996 had not been applied before 2004 when the staggered municipal elections started. After having carried out two phases of elections, the municipal election law was changed in August and September 2005 in its most important characteristic: The system of representation was changed from the block vote system to a List Proportional system.

The changes to the municipal election law in 2005 were done in two steps. The first represented a total re-write of the law rather than simple amendments to the 1996 law. Then an amendment to the new law was passed with changes to election thresholds and the quotas for women.

The Election Administration

The law states that local elections are organised by a High Election Commission for Local Elections (HCLE). The law does not give any detailed requirements for the membership except for in the definitions where it says that the HCLE is formed by a presidential decree. There is nothing in the law which would have

prevented the president from appointing the CEC also having the functions of the HCLE, but he decided to appoint a separate commission, see Section 10.1.

The law also specifies that each electoral district, which coincides with the districts of the councils to be elected, will have an electoral Committee of 5 to 9 members.

The new law from 2005 gives the Central Election Commission the responsibility for local elections. In a transitional article (72) the HCLE is given the authority till the end of December 2005 only.

Voter Registers

According to the law the voter register (VR) should be compiled by the election committees in each district in co-operation with the Palestinian Central Bureau of Statistics. The HCLE decided, however, to base the election upon the voter register created by the CEC, and an agreement between the two commissions was entered to that effect. The CEC had registered voters since September 2004.

In December 2004 the PLC amended the general election law (of 1995) to also include in the voters lists such persons who were registered in the Civic Register (CR), who were not already registered in the VR established by the CEC, and who were eligible to vote according to the law. The HCLE adopted the same rule.

The CR had not been properly maintained during the second Intifada and included deceased people and persons who had left the country. The residence data had also not been updated. The CRs therefore turned out to give little extra and they were eventually dropped from the elections.

The Law of 1996/2004

The System of Representation

The 1996 law provided for direct election of the President of the Council (Mayor). This was changed on 21 October 2004 to an indirect election of the Mayors within the Councils.

The electoral system was the block vote system where the voters would give up to as many votes for individual candidates as there are seats in the council. The ballots could include the following:

1. The name of the electoral district in which the polling takes place.

2. The full name of each candidate: first, father's, grandfather's and family name, nickname if applicable.
3. A square next to the name of each candidate to be filled with an X to indicate the choice of the voter.

It was not said that party affiliation could be added, and to start with the HCLE decided not to include such information.

See Section 4 for an assessment of the block vote system.

The Quotas

The PLC decided on 21 October 2004 to introduce a quota of at least two women for each Council. The Councils had from 9 to 15 members. In case the two female candidates did not get a sufficient number of votes to be elected, the two women with the highest number of votes would be elected replacing the last men otherwise elected. With such a rule there is a possibility that the application of the quota could alter the political composition of the council.

The Law of 2005

The System of Representation

The new law changes the system of representation to a closed List PR one. The first law passed had a high threshold for lists to get mandates of 10% this was in the subsequent amendment reduced to the still high 8% threshold. The distribution formula was Sainte-Laguë (division by 1,3,5,7...).

The Quotas

In the new law it is said that female representation in any council must not be less than 20% (Article 17). This was first affected by requiring each list to have at least one woman among the first three names, one among the following four and one among the rest. The list requirement was changed by the second amendment to one among the first five, one among the next five and one extra in such cases that the council would have more than 13 seats. In municipalities with less than 1,000 registered voters the ranking of the women is left with the list, but the minimum number of women must be met, according to the second amendment.

The minimum quota of at least 20% women in the council as such remained, however, and the HCLE made detailed rules for how to ensure that this requirement was met. The regulation said that the list winning the highest number of seats had to replace the last man elected with the first woman not elected from the list, and if the result fell short of two women the next was filled by the second largest list. It would have been possible to make a fairer rule, but this one could work.

The second amendment also introduced a quota for Christians leaving it to a Presidential Decree to define such quotas in selected municipalities and to the CEC (for 2005 the HCLE) to issue detailed regulations for the implementation. The same regulation, which regulated the women's quotas, also detailed the application of the Christian/Muslim quotas. The procedure in short is to fill the seats one by one in the order of the division quotients until either the Christian or by implication the Muslim quota has reached its maximum. At that time all candidates of the religion meeting its maximum are deleted from all lists and the allocation of seats is then completed. This rule has many qualities since the quotas do not change the political composition of the councils unless a list falls short of candidates within a certain religion. However, the rules introduced some modifications to the main rule to protect lists receiving only one seat. Those rules have some technical flaws that will not be further elaborated here.

We recommend that the rule for one seat lists and the gender rules should be reviewed and corrected by the CEC before new elections are being held. The main principle which one has tried to maintain is that the political composition of the councils should not be effected by the confession or gender quotas if the lists include both genders and confessions in sufficient number on the lists.

6. The International Pressure for Palestinian Reform and Elections

The PLC and the President, which were elected in 1996 were supposed to serve in the 'transitional period'. According to the Interim Agreement the transitional period was the period where the final status negotiations would take place and be concluded no later than five years after signing of the Gaza-Jericho Agreement on 4 May 1994. The final status negotiations were never completed and negotiations were replaced by confrontation and re-occupation. President Arafat was a main target for the Israelis and efforts were made to marginalise his importance and influence.

In Section 2 the events following the change of the US policy in 2002 with the formation of the Quartet and the establishment of the Roadmap is described from the general political point of view. Even though the process (so far) has not led to positive moves towards an agreement between Palestine and Israel the international pressure did have an effect on reform of the Palestinian Authorities and elections. In the following we will describe the main steps in the perspective of the later election.

6.1 The Quartet and the Roadmap

During the first years of President George W. Bush' term in office, the US had followed a "hands-off" policy in the Israeli-Palestinian conflict. A change came on 4 April 2002 when President Bush held a speech where he departed from the policy and announced that he would send Secretary of State Colin Powell to the Middle East in an attempt to negotiate a ceasefire. Such an agreement had been close when a suicide bomb went off in a Netanya hotel causing a forceful retaliation from the Israeli side. The speech was the first official statement by the President stating that a just peace would include a Palestinian state. The speech also formed the foundation of the "Quartet" and was the start of a process leading up to the "Roadmap" for a comprehensive settlement of the conflict.

In another speech held by President Bush on 24 June 2002 he was more specific on the requirements on both sides. He said *i.a.*:

“In the situation the Palestinian people will grow more and more miserable. My vision is two states, living side by side in peace and security. There is simply no way to achieve that peace until all parties fight terror. Yet, at this critical moment, if all parties will break with the past and set out on a new path, we can overcome the darkness with the light of hope. Peace requires a new and different Palestinian leadership, so that a Palestinian state can be born.

I call on the Palestinian people to elect new leaders, leaders not compromised by terror. I call upon them to build a practicing democracy, based on tolerance and liberty. If the Palestinian people actively pursue these goals, America and the world will actively support their efforts. If the Palestinian people meet these goals, they will be able to reach agreement with Israel and Egypt and Jordan on security and other arrangements for independence.

...

As we make progress towards security, Israel forces need to withdraw fully to positions they held prior to September 28, 2000. And consistent with the recommendations of the Mitchell Committee, Israeli settlement activity in the occupied territories must stop.

...

We must also resolve questions concerning Jerusalem, the plight and future of Palestinian refugees, and a final peace between Israel and Lebanon, and Israel and a Syria that supports peace and fights terror. “

The Quartet consisting of the US, UN, EU and Russia met at Foreign Minister level in New York on 16 July 2002 and issued a statement including the following:

“... For these objectives to be realized, it is essential that well-prepared, free, open and democratic elections take place. The new international Task Force on Reform, which is comprised of representatives of the U.S., EU, UN Secretary General, Russia, Japan, Norway, the World Bank and the International Monetary Fund, and which works under the auspices of the Quartet, will strive to develop and implement a comprehensive action plan for reform...”

The Quartet met again at the same high level in New York on 17 September 2002 and regarding the institution building and elections they stated:

“The Quartet also supports, in preparation for establishment of a Palestinian state, efforts by the Palestinians to develop a constitution which ensures separation of power, transparency, accountability, and the vibrant political system which Palestinians deserve.

The plan will contain in its initial phase (2002-first half of 2003) performance-based criteria for comprehensive security reform, Israeli withdrawals to their positions of September 28, 2000 as the security situation improves, and support for the Palestinians’ holding of free, fair, and credible elections early in

2003, based on recommendations established by the Quartet's International Task Force on Palestinian Reform..."

Then on 30 April 2003 the Quartet endorsed the roadmap¹⁰⁶ which included the following three phases (extract only):

"Phase I: Ending Terror and Violence, Normalizing Palestinian Life, and Building Palestinian Institutions. Present to May 2003

A settlement, negotiated between the parties, will result in the emergence of an independent, democratic, and viable Palestinian state living side by side in peace and security with Israel and its other neighbors.

In Phase I. the Palestinians immediately undertake and unconditional cessation of violence according to the steps outlined below; such action should be accompanied by supportive measures undertaken by Israel. ...Palestinian undertake comprehensive political reform in preparation for statehood, including drafting a Palestinian constitution, and free, fair and open elections upon the basis of those measures. Israel takes all necessary steps to help normalize Palestinian life. Israel withdraws from Palestinian areas occupied from September 28, 2000 and the two sides restore the status quo that existed at that time, as security performance and cooperation progress. Israel also freezes all settlement activity, consistent with the Mitchell report.

...

Palestinian Institution-Building

- Immediate action on credible process to produce draft constitution for Palestinian statehood. As rapidly as possible, constitutional committee circulates draft Palestinian constitution, based on strong parliamentary democracy and cabinet with empowered prime minister, for public comment/debate. Constitutional building proposes draft document for submission after elections for approval by appropriate Palestinian institutions.
- Appointment of interim prime minister or cabinet with empowered executive authority/decision-making body.

...

- Establishment of independent Palestinian election commission. PLC reviews and revises elections law.

...

¹⁰⁶ Performance-based road map to a permanent two-state solution to the Israeli-Palestinian conflict.

- As early as possible, and based upon the above measures and in the context of open debate and transparent candidate selection/electoral campaign based on a free, multiparty process, Palestinians hold free, open, and fair elections.
- GOI facilitates Task Force election assistance, registration of voters, movement of candidates and voting officials. Support for NGOs involved in the election process.

...

Phase II. Transition. June 2003 – December 2003

In the second phase, efforts are focused on the option of creating an independent Palestinian state with provisional borders and attributes of sovereignty, based on the new constitution, as a way station to a permanent status settlement.

Phase II starts after Palestinian elections and ends with possible creation of an independent Palestinian state with provisional borders in 2003.

Phase III: Permanent Status Agreement and End of the Israeli – Palestinian Conflict. 2004 – 2005.”

All dates given in President Bush’ speeches, the Quartet meetings and in the road-map have slipped. However, some important actions have been taken, belated but still significant, from the Palestinian side. A position as Prime Minister was introduced with the change of the Basic Law in 2003 and general elections were held in 2005 and 2006. The presidential elections were held earlier than planned due to the death of President Arafat, but the preparations were well underway in 2004 both in terms of legal election reform and practical preparations.

6.2 The Task Force on Palestinian Reform

The Task Force on Palestinian Reform, TFPR, referred to in the statement from the Quartet July 2002 meeting was established on 10 July 2002 to monitor and support implementation of Palestinian civil reforms, and guide the international donor community in its support for the Palestinian reform process. It consists of representatives of the Quartet in addition to Norway, Japan, the World Bank and IMF. The Task Force had two compositions: A so-called Capitals TFPR meeting regularly with representatives of the capitals and the Local TFPR with seven support groups, one of them being the Election Reform Support Group (ERSG). The ERSG defined some milestones to measure the progress within the electoral field against, the most important being:

- The establishment of an independent Central Election Commission;
- The establishment of voters registers (VRs);

- A new election law;
- Organising general elections;
- Organising local elections.

The CEC was established in October 2002 by two Presidential Decrees¹⁰⁷.

The Voter Registers were completed in its first workable version in 2004. The new election law was adopted in August 2005, general elections were held in January 2005 for the PA President and January 2006 for the PLC and the local elections were held in its first four phases from December 2004 to December 2005.

With President Arafat's death presidential elections became an urgent matter, and the ERSG made an exception to the requirement of a new law for that election.

6.3 The Delegations Assessing Condition for Meaningful Elections in 2002

Immediately after President Bush' second speech and at the outset of the work of the Quartet two missions were organised – one by the US and one by the EU commission – to establish whether elections could be held in early 2003. The two delegations visited the West Bank and Gaza at the same time and they met and compared notes. Only the US delegation published its report after the visit, while the EU report remained internal to the EU Commission.

The US delegation¹⁰⁸ consisted of representatives of the International Foundation for Election Systems (IFES), the International Republican Institute (IRI), and the National Democratic Institute for International Affairs (NDI), as well as a representative of the Government of Norway¹⁰⁹. The pre-election assessment mission to the West Bank and Gaza took place between 14 and 24 July 2002. In its report the US mission stated its mandate:

“The purpose of the mission was fourfold: 1) to evaluate the pre-electoral environment and identify the requirements of the Palestinian Authority, political parties, civil society and the international community to establish a meaningful electoral process; 2) to identify the elements of the process that are most vulnerable and the obstacles that must be overcome; 3) to assess the state of technical preparations for elections; and 4) to recommend electoral reform measures that could enhance the transparency and credibility of the process.”¹¹⁰

Elections under occupation can not meet ordinary requirements for free and

¹⁰⁷ The first one 10 October appointing Dr. Hana Nasir the President of the CEC and then on 27 October appointing the rest of the membership.

¹⁰⁸ Organised by the Consortium for Electoral and Political Process Systems (CEPPS), a cooperation between the major US based NGOs working within elections and funded by USAID.

¹⁰⁹ The representative of the Norwegian MFA was Kåre Vollan, the author of this section.

¹¹⁰ From the Report "Palestinian Elections. A Pre-Election Assessment Mission Report." August 2002.

fair elections. In the Palestinian context the delegation used the term “meaningful” elections and later the Quartet used the term ‘credible’ as the best possible characteristic of elections under the circumstances. Instead of simply stating if meaningful elections could be held in the situation, the delegation examined the conditions necessary for such elections. The report discussed the technical barriers (such as freedom of movement) as well as the political conditions for elections, including reform of institutions. Among the interlocutors of the delegation the views differed on the priority of having early elections. Some political leaders not too close to Fatah would put emphasis on the possibilities for elections to offer a real choice for the voters, and not just be a confirmation of the current leadership. They would underline the importance of a political development as well as the more technical issues.

In conclusion the report stated *inter alia*:

“There are few technical barriers to elections being planned in the West Bank and Gaza. However, those that exist are substantial and may require international assistance to overcome. While an argument can be made that elections should be delayed until the completion of reforms and until a new constitution is adopted, the delegation found an emerging Palestinian consensus that early elections are preferable, if not inevitable. Reasons given for elections included: the legal expiration (May, 1999) of the term of the Palestinian Legislative Council (PLC); lack of public confidence in Palestinian governing institutions, including disappointment with the performance of the PLC; and a belief that elections would serve as a catalyst for broader change.”

“The delegation’s examination of the conditions necessary for meaningful elections would seem to preclude a January 2003 date, but, if the necessary political will exists on all sides, it could be feasible to hold elections some time in 2003.”

In July 2003 the situation on the ground was rather grim. In September 2000 Israel had started to seize control of areas they had withdrawn from in 1994 to 1996 and the Palestinian institutions including the security forces were broken up. Freedom of movement was very restricted. The restrictions were not only between the West Bank and Gaza and into Jerusalem, but people could not even move from a city to a village right outside the city.

The report recommended the following on freedom of movement:

“2. Meaningful elections cannot be held in conditions where movement and communication are not possible between and within villages and towns. Rather than conditioning elections on withdrawal of Israeli forces from Palestinian areas, however, it is possible to define gradations of freedom of movement that are required at each stage of election preparation leading up to broad freedom

of movement some time prior to election day -- recognizing that the resumption or continuation of hostilities may force changes to the security environment. Specific and exceptional freedom of movement could be initially sought for a small number of election organizers during the first phase of technical preparations followed by an expansion that would then embrace other political players such as parties, candidates, NGOs, observers and media. However, in order to promote an open political campaign whereby issues other than nationalist concerns are fairly debated, general conditions for public dialogue are of utmost importance.”

Even though full withdrawal would not happen the political process would require more freedom of movement than the pure technical processes composing an election.

On the legal and administrative recommendations included the following:

“6. There are two immediate electoral priorities for Palestinian political leadership the PA and PLC: 1) adoption of an amended election law; and 2) appointment of an independent election commission. The law will codify other election specific issues such as system of balloting, political parties, campaign finance disclosure, nongovernmental organizations and observers, the media, and the mandate of a neutral Central Election Commission and an independent Election Appeals Court. The election legislative initiative should be organized as an election reform program for the PLC. To enhance public confidence in the independent election commission, it should be selected by the PLC from a list of nominees provided by a credible nomination committee. The chair of the commission should be independent with no direct ties to PA structures.”

The delegation did not recommend any particular system of representation for the PLC, but it did recommend that the issue be addressed:

“5. Palestinian political leadership must be open to receiving public proposals and ideas on election reform. ... Issues for public consultation may include the relative merits of the current electoral system and competing systems (majoritarian versus proportional representation), and establishing quotas in the PLC for women as well as religious minorities.”

The block vote system used in the 1996 elections was discussed in an annex:

The majoritarian system used in 1996 could produce extremely nonproportional results if the party discipline were high. As Kåre Vollan points out, if one party gained a well-distributed 40% majority, it might get all of the contested seats^[111]. In the present system, there is a clear bias toward independent,

¹¹¹ The reference was to “Interim Democracy”.

respected, well-known personalities, which might still allow some representation outside major political groupings.

It should be added that a system based upon open lists would put strong pressure on Fateh to improve the selection of its candidates. In 1996 many candidates were able to run based on personal reputation alone and there was no performance record that could be used. Incumbent candidates will now have to account for their record as PLC members that may force Fateh to bring in new and respected candidates. On the other hand, Fateh may again choose to let its own members run as independents.”

The annex also discussed some alternatives which could be considered such as List PR in constituencies with open lists.

Some of the recommendations of the delegation were followed up. An independent Central Election Commission was appointed already on 10 October 2002 and they started the process of registering voters. There was a discussion about the electoral system, and a new election law was drafted two years later, but not by a commission independent of the PLC.

The conditions for holding elections were not fulfilled in 2003 or 2004, partly due to slow progress on the Palestinian side and partly because of the overall situation. Even in the period leading up to the two general elections in 2005 and 2006 the political process was hampered by the restrictions on movement for the general public. The election administrators managed to carry out their duties, main candidates could travel, voters could go to the polling places, but voters in general could not visit rallies in the nearest city and they could not easily come together to discuss candidates of candidate lists.

7. A New System of Representation and the Drafting of a New Election Law

Few international comments had been given to the system of representation used in 1996, with exception of the NORDEM report *Interim Democracy* which issued a clear recommendation to change the system into a system which is commonly accepted and which would give organised groups a better chance for representation. The report of the US delegation in 2002 recommended a debate about the system and went quite far in describing the disadvantages of block vote.

Generally, the international community would and should be cautious not to recommend any one system of representation. Democracies would apply a long range of systems partly based upon tradition and partly on specific requirements particular for each country. However, some systems are not common in national multi-party elections and the international community should be able to discourage such systems, giving solid justification for the recommendations. The block vote system falls into a category of systems which one should discourage in elections based upon parties and organised political factions.

The second element of advice which may be given is on the process of designing the system of representation. In the end the decision is a political one taken by the legislature, based upon more or less principle or opportunistic reasoning. There should be a connection between what the political parties would like to emphasis in a system, such as being representative, support accountability, support strong governments etc. and the actual choice of system. The weight each such criterion should have is a political decision which – after a due process – has to be made by the legislature. What the international community can do is to encourage a rational, informed choice of system based upon the criteria agreed upon or at least decided upon by a majority. We will in the following claim that the system chosen in the end in 2004 and 2005 was not a result of a fully rational, informed choice.

7.1 Some NGO Initiatives

Ever since 1996 there had been a discussion about the system of representation to the PLC. The party PPP with its leader at the time Mustafa Barghouthi was upset about the result and wanted a reform. NGOs and academic institutions analysed and discussed the systems of representation. It was only in 2000 that the

initiatives for reform came together and proposed specific changes. Such proposals came partly from academic circles, partly from NGOs, and partly from the smaller parties.

MUWATIN – The Palestinian Institute for Study of Democracy published in 2001 a report worked out by a group of five experts “Toward an Electoral System for the Democratic State Palestine”¹¹² discussing a number of systems in detail. The report recommended a PLC consisting of 100 members elected from five constituencies each electing twenty members. The system of representation recommended was List PR.

In 2004 another report was published by the same institute: “The Palestinian Electoral System: An Analysis of its Possible Impact on Elections”¹¹³ That Report suggested either to go for a full proportional system or a parallel system (which they call mixed).

The debate was the classic one between the supporters of a proportional system and the supporters of a plurality based system. The unfortunate side of the discussion was that in particular within Fatah the two alternatives seemed to be narrowed down to:

1. A plurality based system with continued block vote in multi-member constituencies.
2. A List PR system with the whole territory as one single constituency and with closed lists, like the system as applied in Israel.

Other systems, even those discussed in the report from MUWATIN did not seem to have been seriously considered by the PLC members. As a result of the discussions between the reform initiatives and the Fatah dominated PLC members a suggestion came up to go for what they called a mixed system where half the PLC would be elected as before by block vote and the other half in a territory wide closed List PR vote. The system proposed was not a mixed system in strict terms as being used in for example Germany where the result is proportional. The system proposed was a so-called parallel system where the two ballots were counted totally independent of each other and where only half of the membership is allocated according to a proportional distribution.

The proposal was not based upon thorough consideration about what the electoral system should achieve but rather a compromise between those wanting a proportional system and those wanting status quo. This was the situation when the drafting started in 2004.

¹¹² The authors were: Jamil Hilal, Azmi Shuaibi (PLC member), Ali Jarbawi, George Giacaman and Ammar Dwaik.

¹¹³ Ahmad Majdalani and Taleb Awad.

7.2 The Drafting by the PLC Legal Committee¹¹⁴

During the short period Mahmoud Abbas (Abu Mazen) was Prime Minister there was an effort to update the election from 1995 with such modifications made necessary by the change of circumstances over seven years. An international expert had participated in the work¹¹⁵ but with a limited mandate so no major changes were proposed. The work never concluded but the draft produced was the basis for the later drafting by the PLC Legal Committee.

When Ziad AbuZayyad became chairman of the PLC Legal Committee he requested IFES to provide an expert to give advice during the drafting of a new election law. The advisor provided was the author of this Section.

The advisor worked closely with Mr. AbuZayyad for twelve days in August 2004. During that period the system of representation was discussed in detail and different options were presented in a memo to the chairman. He concluded that the genuine mixed system should be the only alternative to be presented in meetings with the civil society and the international community, including members of the ERSG. The memo was also sent to the PLC Legal Committee.

It was also decided that the actual drafting would take place in a retreat for the expanded Legal Committee outside the territory. This event organised by IFES took place in Sharm al Sheikh from 10 to 17 September 2004. The retreat was led by Ziad AbuZayyad and all together twelve PLC members were present, four from the West Bank and eight from Gaza¹¹⁶. In addition to the IFES advisor, two legal experts from Cairo participated for a few days, and five Palestinian legal drafters and advisors participated. A full draft election law was the result of the retreat.

The System of Representation for the PLC

The PLC Legal Committee with an expanded membership had in its meeting on 11 August 2004 made some key recommendations:

- The number of members of the PLC should be raised from 88 to 124.
- The electoral system should be a mixed one with 62 elected from constituencies and 62 from a territory-wide proportional list election (List PR), without defining the 'mixed system'.

¹¹⁴ The author was the foreign advisor to the PLC drafting committee in 2004.

¹¹⁵ Professor Rafael Lopez-Pintor, under a contract with IFES.

¹¹⁶ The PLC members from the West Bank were: Ziad AbuZayyad, Mahmoud Hoorani, Ra'feeq Al-Natsheh and Suleiman Abu-Sneinyand, and from Gaza: Abed Al-Kareem Abu Salah, Hassan Asfour, Kamal Alsharafi, Marwan Kanafani, Suliman Al Roumi, Ziad Abu Amr, Karam Zarandah and Saadi Al Krunch. The speaker of the PLC, Rauhi Fatouh visited for one day.

- The number of constituencies (districts) should be reduced from 16 to for example 12 or 13.
- There should be a 2% threshold to win List PR seats.
- There should be a women's quota of 20%.

During the first visit of the advisor in August 2002 it became clear that the term "mixed system" did not mean what is normally called the mixed system in for example Germany but rather the parallel system as it is known from Russia, Ukraine (until 2005) or Japan. More precisely, there had not been a great awareness about the differences of the systems and the two systems had not been assessed against the criteria that the new electoral system should meet.

It was also clear that nobody wanted to start a discussion of systems of representation from the beginning, even if such a discussion could bring in alternatives which could be closer to the needs for reform. A memo from the advisor which included the parallel system, the mixed system and the List PR systems in constituencies was presented to a limited audience but a compromise had already been struck: The "mixed system".

However, there seemed to be scope for an interpretation of the term and for introducing the true mixed system at this point in time. Therefore during the August visit there was an effort to identify which criteria an electoral system for Palestine should meet. The following seemed important:

- The system should allow for smaller parties to be represented, ideally according to their voting strength.
- The voters should have influence on the election not only of parties but even individual representatives from the parties. This point was very important to the younger generation in Fatah. There was a fear that closed proportional lists would be a better arena for the old guard to take the top places. The point that candidates should face the electorate and be held accountable was important.
- The system should allow for independent candidates, not only party candidates.

Both the mixed system and the parallel system would require two ballots: One with individual candidates running in constituencies and one for the List PR territory wide election. Internationally the constituency part of the election is normally first-past-the-post or a majority based systems (two rounds systems) in single member constituencies. In Palestine the constituency part would be a first-past-the-post system in multi-member constituencies as known from the 1996 elections (block vote).

The difference between the parallel and the mixed system is in the distribution of the List PR seats. In the parallel system that distribution is done as a separate election independent of the results from the constituencies. That would mean that a party with for example ten percent of the votes would get ten percent of half of the membership, which would mean five percent of the full membership. It is not likely that a small party would win any of the constituency seats. This is why the system is often called a semi-proportional system, since a party is only guaranteed half of the number of seats a fully proportional distribution would give.

The mixed system would, however, distribute *all* members of the PLC according to the results from the list vote. This would give a party with ten percent of the votes ten percent of the full membership of the PLC. Technically this is done by first calculating the number of seats a party would be entitled to out of the full membership based upon the List PR results and then deduct the number of seats the party has already won in constituencies. This means that the second half of the seats is used to top up the results from the constituencies in such a way that the end results are proportional¹¹⁷.

The advantage of the mixed system is that it has the same features when it comes to the voter's influence on the constituency representatives, and at the same time the result is close to fully proportional. A party with ten percent of the votes would get ten percent of the seats, not only five.

A memo describing the mixed system as the only alternative was distributed to the members of the drafting committee before the Sharm al Sheikh retreat.

At the retreat there was no willingness to discuss the real mixed system. The reasons given were that the system had already been decided on and there was a perception that the mixed system would not to the same extent allow for independent candidates, despite all efforts to convince about the opposite. It seems fair to say that the discussion in Sharm al Sheikh was not based upon objective criteria and the choice made was not an informed one. The only good reason not to consider the mixed system was the complexity of the calculation of the result. However, little room was given for efforts to fully understand the system which got rejected.

The drafters seemed to see the Israeli close list system and the block vote system as the only two clear alternatives with the parallel system as the compromise. Most of the drafters were from Fatah and to them it was important to offer a possibility for voters to have direct influence over the individual candidates within the Fatah list. The electoral system should provide a solution to the lack of internal democracy within Fatah. A discussion on how voter influence on candidates could be combined with a proportional system (with open lists) which most participants seemed to hold as the ultimate goal was not initiated.

¹¹⁷ A number of technical questions such as what would happen if a party got more in constituencies than they would be entitled to according to the list vote and how to deal with independent candidates were worked out in detail.

Another element in the discussion was the thought that most candidates would prefer to be elected from territory-wide lists rather than local lists. There seemed to be the rather unusual view that being elected on territory-wide gave a higher credibility than being elected in a constituency. This is opposite of the view in many other countries where the ability to face the electorate and win a mandate is seen to be more of a challenge than just being elected from a safe position on a closed list.

In a List PR election no party will get exactly what they need to get the number of seats they actually win. There will always be more or less extra votes which would entitle the party to a fraction of a seat but not a full seat. In some countries it is possible to make some pre-election alliances where two parties can combine their surplus in order of winning an extra seat. In Sharm al Sheikh this was brought up as an issue: How should surplus votes be handled? The question was clearly inspired by Israel where the law for the election to the Knesset provides for a possibility that two parties may make a deal before the elections to the effect that results are calculated both individually and combined. If it turns out to be more advantageous to be counted as one entity, they would be allowed to get the extra mandates that would give.

There are wasted votes in all systems; in proportional less than in plurality/majority based systems. The Israeli rule is not common¹¹⁸ and it is not very transparent. It is more common that parties decide firmly before the election to enter a pre-election coalition and propose one common list. The drafters decided not to include a rule on agreements between lists similar to the Israeli one.

Constituencies

In 1996, the constituencies followed the administrative boundaries of the Governorates, and the size varied from one seat to twelve. The drafters wanted to make the constituencies more equal in size by combining the smaller ones and splitting in particular Hebron. The draft had the following proposal for fifteen constituencies:

Jerusalem, Bethlehem, Hebron North, Hebron South, Ramallah, Nablus, Ariha and Toubas, Qalqilyah and Salfit, Jenin, Tulkaram, Gaza North, Gaza City, Dair Al Balah, Khan Younis and the Eastern Villages, and Rafah.

The single member constituencies Jericho, Salfit and Toubas would then be merged into bigger ones.

¹¹⁸ A similar rule was included in the Norwegian election law until 1945 and for the election in 1985.

Quotas for women

When the gender quotas are combined with the List PR system the political composition of the PLC is not effected. In the discussions only quotas to this part of the election was considered.

The expanded Legal Committee had earlier decided that there should be a women's quota of 20% in the PLC. There were no women in the committee meeting in Sharm Al Sheikh.¹¹⁹ The 20% quota was in the end only applied to the List PR part of the election. In the proposal presented to the drafters before the retreat the quota on the lists had been raised to 40% since it was proposed only on the list part, not the constituency part of the elections. However, the result was that the drafters only proposed a requirement for the lists, which would produce approximately 20% women on the lists. The rule was proposed as follows:

All electoral lists shall include a minimum representation of women as follows:

1. One woman amongst the first three names of the list;
2. Another woman among the first seven names of the list;
3. One woman in each five subsequent names of the list.

For more details see Section 5.4 on the final law.

Christian and Samaritan Quotas

The proposal on the religious quotas was to leave with the Central Election Commission to issue regulations on both Christian quotas (without specifying the constituencies where quotas should apply) and for the Samaritan quota in Nablus. Being such an important issue which clearly affects the results directly, it would have been better to include the rules in the law itself. In the final law the Samaritan quota was removed and the minimum number of Christians was fixed to six, leaving it to a Presidential decree to allocate them to constituencies.

The System for Electing the President

The proposal included a majoritarian two round system for the president. If none of the candidates would get more than 50% of the votes, there would be a new round of election where the two candidates with the highest number of votes would participate. This system would ensure the elected president the legitimacy of having – at least in the last round – more than half of the votes behind him or her. The proposal was later changed to a simple first-part-the-post system by the PLC.

¹¹⁹ Dr Hanan Ashrawi had been invited but was not able to come.

Parties and Lists

There is no party law in the Palestinian Territory. The registration of parties had not worked very well in 1995. The drafters therefore wanted the election law to be self-contained and not dependent on registration of parties with any ministry. All groups, which wanted to propose lists for the proportional election would therefore be treated equally and would have to collect signatures of support. This rule was changed during the readings in the PLC.

The independent candidates were treated in the same manner as the party representatives in the draft. The signatures of support and the deposits were therefore the same for all candidates. Constituency candidates should, according the draft collect 500 signatures of support and deposit USD 1,000. Candidates for the constituencies who already held a seat in the PLC or as President would, however, be exempted for the 500 signatures. A similar exemption was not introduced for the presidential candidates, but that was later included in the PLC readings. Entities who wanted to propose lists for the List PR election had to collect 3,000 signatures of support and deposit USD 6,000.

The purpose of the signatures and the deposits are to limit the ballots to include such lists and candidate who would stand some chance to be elected. The purpose of the deposit is to show commitment and seriousness, without making it too difficult to run.

For parties or organised entities who wanted to propose candidates for all or most of the constituency the requirement for signatures was rather high. With 62 constituency seats a party running for all of them would have to collect 31,000 signatures and deposit USD 62,000. For small parties this would be prohibitive. Even though the block vote system would anyway discourage a small party from proposing that many candidates, the rule work out very difficult for parties. A proposal to let registered lists (which had filed 3,000 signatures) nominating constituency candidates without extra signature requirements was rejected, because some drafters claimed it would represent a 'discrimination' of independent candidates.

The PLC did later change the rules in such a way that incumbents did not need to submit signatures. This is consistent with the purpose of the signatures, namely to show a minimum support for the candidate.

Other Issues

The draft confirmed the independent status of the Central Election Commission (CEC) and it introduced an Elections Appeals Court. The members of the CEC should be appointed by the President after approval by the PLC.

The draft contained some moderate rules for the obligation to withdraw from

certain offices if they were candidates, compared to the final law, see Section 5.4. Employees of NGOs were not excluded and the restrictions of personnel from local authorities were only on their leaders. Only judges were, according to the draft, prevented from resuming office.

The lower age for being candidates was set to 35 for the presidential election and 28 for PLC election, which internationally speaking are high limits.

7.3 The PLC Readings

Even though the main structure and principles of the draft from Sharm al-Sheikh were brought forward to the final version actually passing the PLC and signed by the President, there were some significant changes, and the debate in the PLC was at times heated. The draft passed three readings in the PLC, each of them taking several days. After the third reading the law went back to the PLC for a final decision at the initiative of the President and some final, important adjustments were accepted. The following gives an overview of the main issues discussed in the readings.

The first reading started in the first days of December 2004 and continued into early 2005.

The discussion concentrated on the parallel system and on whether a party law would be needed to accommodate the list part of the election. Some PLC members were simply against introducing of any List PR element of the law and some members even blocked the discussions. On 1st December the draft was sent back to the legal committee. In the committee it was considered to go for another mixture of the List PR and the constituency part, for example 40% List PR and 60% constituencies, as a compromise.

Later in December and January the municipal elections and the Presidential election took most of the focus of the PLC members. However, behind the scene there were discussions about the electoral system. One of the concerns was that with closed proportional lists the candidates would not have to face the electorate individually. Without a party democracy and primaries Fatah members were concerned that the Fatah list in particular would be filled by the old guard who would otherwise not stand a chance in constituency elections.

A proposal was worked out by the author of this section and presented to the head of the legal committee suggesting that the seats won in the List PR race would also have to be filled from the constituency candidate lists of the parties or political groups. The candidates of a party next to be elected according to a definition worked out in detail in the proposal would fill the list seats won by the party. After a discussion with some prominent PLC members the idea was dropped.

Some members found the winning of the territory wide seats to be more honourable than winning just constituency seats and they could therefore not be filled with those losing the constituency competition (even not by the 'best losers'). This view is different from the view in most countries where winning the direct competition in a constituency is seen to give a very strong mandate. In countries with national compensatory seats those are often filled by runner-ups from constituencies. But in Palestine the idea did not get support.

It should also be said that the resistance against the List PR side of the election took many shapes. One of the opponents was Dr. Saeb Erekat, who filled a presumably safe seat in the one-member constituency of Jericho. He had also in early discussions been a strong defender of the block vote system. In December 2004 Dr Erekat asked the German representative office to call in an expert from Germany to advice on the mixed system. It should be noted that the parallel system is being called the 'mixed system' in the Palestinian context and that term is even used in the election law. The expert who came was Dr. Dietmar Lutz, Chairman of the Central Election Commission of the state Schleswig-Holstein. He strongly supported the system proposed by the drafting commission but suggested that they took it a step further into a genuine mixed system. He also supported the idea of filling List PR seats from the constituency candidates lists.

At the end of the first reading the mixture was down to 44 seats in List PR and 88 seats in constituencies. The constituencies were kept unchanged from the ones of the 1995 law, which would mean that there would still be three single member constituencies, including Jericho, and the quota for women was removed. The strict rules for the incompatibilities had been introduced and chairpersons and directors of NGOs were now on the list of those who would have to resign before being a candidate in an election.

The draft had made rules, which were not dependent on any party registration arrangements. This was now changed. The requirement for lists to collect 3,000 signatures of support was lifted for registered lists and parties, even though no arrangements for such registration were introduced.¹²⁰ For parties already registered this would represent an easy way to propose lists but the same easy way would not be open to new parties. See Section 11.3 for further discussions.

At the same time the requirements for collecting signatures for the incumbent President was removed and it was brought in line with the similar exemption for PLC members. This is a reasonable and quite common rule, since incumbents have already shown their ability to win support in an election.

The electoral system for the President had also changed from a two round majority system to a first-past-the-post system in one round only. That would mean that

¹²⁰ There had been an arrangement administered by the Ministry of Interior according to the 1995 law but that law would be replaced by the new law when it was passed.

a candidate could be elected president with far below fifty percent of the votes.

The distribution formula for the list proportional part of the PLC election had been taken out of the legal text, and had been replaced with (Article 94 of the draft):

“The CEC shall follow the best mathematical instrument to distribute seats over the lists according to the proportion of the valid electoral votes which each of the winning list obtained.”

This would have given the CEC legislative powers, which would be extraordinary. There is unfortunately no ‘best possible’ method, and different, accepted distribution methods do produce different results.

The PLC had also taken out the arrangements for nomination of CEC members. The President could now appoint the members without prior approval by the PLC.

The minimum age for standing for elections was raised from 35 years to 40 years for the presidency and from 28 to 30 years for PLC members, which made the age limits even more out of line with international practice.

The second reading of the law was held on 19 and 20 April 2005. The draft passed with a vote 28 to 15.

Again the discussion was ‘passionate’ and the key points were:

- The women's quota was reinstated.
- The system of representation was left unchanged; 88 districted seats, 44 proportional seats.
- Changing constituencies was rejected
- The system for electing the President was not changed.
- The candidacy eligibility age for PLC members was reduced to 28.
- Candidates would have to resign from almost any public or NGO position.
- The Sainte-Laguë distribution formula was written back into the law.
- The CEC is appointed by the president, with no process of nominations from the government.

- There were a few technical improvements, including getting rid of the secrecy envelope when casting the ballot.
- The possibility for using the civic registry as a secondary source for voter registers (which had been introduced in the presidential elections) was retained, but with a wording leaving some room for interpretation.

The third reading was held in May on the basis of a petition from PLC members. Without debate the following issues were settled by a vote:

- A proposal to move to a 100% List PR system was rejected 35 votes to 20, with one abstention.
- A proposal to reduce the number of seats to 121 was rejected overwhelmingly.
- A proposal to cancel use of the civil registry for voter eligibility was accepted overwhelmingly.
- A proposal to cancel the requirement for candidates to resign from current positions as early as two months before the election was replaced by a requirement to resign at the time of candidate registration was accepted overwhelmingly.

At the time for the third hearing it was still likely that the President would request a further reading proposing 50 - 50% split between the List PR seats and the constituency seats.

According to the newspaper Haaretz of 25 May 2005 the Palestinian Authority and Hamas were in conflict in the Cairo meeting over the possible rescheduling of the Palestinian parliamentary elections set for 17 July 2005.¹²¹

It was at the same time reported that Hamas wanted half of the legislators to be chosen in district elections and half from party slates, a system Abbas agreed to earlier that year when he brokered an informal truce with Israel. To what extent Hamas had a firm view on the content of the system at this point in time is unclear. From their point of view it would be rational to demand a higher part of the PLC elected by a proportional system if they thought they would get fewer votes than Fatah. However, the most likely explanation to their view point was rather that they wanted Fatah to stick to previous agreements on the electoral arrangements, including the election date and they strongly opposed all the changes

¹²¹ "A five-hour meeting between Egyptian mediators and Hamas leaders in Gaza ended early Wednesday with no progress toward resolving the crisis. Hamas has threatened to resume attacks on Israelis as a result of the dispute." Haaretz.

being introduced to earlier agreements.

On 18 June 2005 the extra reading was held in the PLC and the system was changed to 66 seats elected from proportional lists and 66 from constituencies, and the law was passed as a whole.

8. The Voter Registration

8.1 The Preparatory Steps

The voter registration followed a period of evaluation of various alternative strategies for voter registrations. The main alternatives were:

- Updating the 1996 voter register by reopening registration (possibly by contracting the Palestinian Bureau of Statistics – PBS to do the job);
- Correcting the Civil Register which is maintained by the Minister of Interior in close cooperation with the Israelis, and pulling the voter register from this;
- Starting fresh by establishing a new voter register managed by the CEC.

After evaluating the options, the CEC decided to build a new voters' register (VR) based upon active registration. One of the reasons for not choosing the Civil Register as a basis was that the information about where people live had not been updated. Furthermore, the register was not under full control of the Palestinian Authorities, since the Israelis can veto changes. The register for East Jerusalem was not available to the Palestinian Authorities at all.

The voter registration took place in Registration Centres which were the same as later being used as polling centres. The registration prior to the presidential elections in January 2005 took the following steps:

1. 4 September – 13 October 2004: The initial registration.
2. One week after the initial period it was decided to proceed with the registration at the CEC district offices until the completion of the registration process.
3. 24 November – 1 December 2004: The review and challenge period. The preliminary voters lists (PVL) was produced 20-23 November 2004 and exhibited in 1000 centres, 16 district offices, Gaza Regional Office and HQ.
4. Final voters lists (FVLs) for both voters registers (VR) and civil registers (CR) was produced and were sent out in the first week of January 2005.

Registration in East Jerusalem (Jerusalem I within the city itself) was stopped by the Israelis on 11 September 2004, see Section 8.3 below.

Approximately 1.1 Million voters were registered before the presidential elections, see below.

Before the presidential election the PLC amended the law to add the civic registers to the voters registers due to a fear that many people would not have taken the active step of being registered before the election. The civic registers had prior to 1996 been administered by the Israelis and they served as the basis for issuing ID cards. After 1996 the maintenance was taken over by the Palestinian Minister of Interior and administered from Gaza. Until 1999 this worked fairly well. After the second Intifada started the register was not kept up to date. Israel was able to bar changes to registration, and they therefore blocked changes of residence over the four years prior to the election.

In addition to the main problem of inaccurate addresses the Civil Registers, had inherited inaccuracies from the earlier source of the register. They were originally established in Hebrew and later transcribed into Arabic. Names were therefore often incorrect.

The CEC argued against the change of the law to include the CR, but once decided by the PLC the CEC accepted to work with the change. The use of visible ink on the fingers of those voting became even more important in order of avoiding multiple voting.

The possibilities of multiple voting come from the following circumstances:

- The CR included deceased people,
- The CR could include people who resided abroad but with some IDs still remaining with their relatives in the territory, a possibility which might be very small though,
- People could have registered to vote by a passport without giving the ID number, even though they had an ID
- There could be duplicate entries on the CR.

The two latter situations were not seen to be very important. The first two would involve the risk that persons may be using ID-cards to impersonate the person who is either dead or abroad.

In addition to the fear of multiple voting came the fact that many people were registered away from their residence. People might not be aware that their registration still showed where they registered ten years ago and not where they had lived the past years. This could cause confusion and tension in the polling stations on polling day.

The number of voters from the CRs found to fulfil the criteria for being listed on the final voters lists by December 2004 was around 700,000. It was not expected that more than 200,000 of these would actually be potential voters.

The system was tested out during the municipal elections on 23 December 2004. Those elections confirmed that:

- The turnout at the CR polling stations was very low;
- People were not aware that they had to go to a previous place of residence and many people were turned away from the polling stations;
- Security personnel who had returned from abroad in 1994 and 1995.

In the elections the CEC organised separate polling places for those only listed in the CRs.¹²² For the local elections similar arrangements were in place.

During 2005 new registration efforts were successfully made and by the time of the PLC elections in 2006 the CRs were not added to the VRs.

The voter register is now established and maintained at a regular basis, with registration drives planned for at least once per year. One may want to consider to commission local authorities to receive changes and new registrations as a continuous activity provided the CEC stays in full control of the process and the physical update of the voter registers.

8.2 Voter Registration Statistics

The voter registration was a great success. Already in 2004 the voter register was quite good even though there were some who did want to vote who had not registered. The development of the registration according to the CEC is shown below:

	1 December 2004	25 May 2005	13 August 2005				Total	At the time of the 2006 PLC election Total (*)	At voting age
			Male		Female				
			number	percent	number	percent			
West Bank	687,429	775,640	428846	52.9	381790	47.1	810,636	820103	811341
Gaza	404,870	494,081	277662	51.5	253373	48.5	531,035	529931	521158
Total	1,092,299	1,268,721	706508	53.4	635163	46.6	1,341,671	1350034	1332499

(*) All Palestinians who have reached the age of 17 years can register but only those who have reached the voting age of 18 on election day are listed in the final voters registers.

Table 8.1. The development of the voter registration from the start in 2004 till the 2006 PLC elections.

The figures do not include any voters from East Jerusalem (Jerusalem I, see Section 8.3 below).

¹²² For the experience with the use of civic registers in the presidential elections see Section 9.5.

There are no official figures for the Palestinian population since there are no reliable civic register. The CEC published some estimates before the 2006 based upon available statistics. Their figures showed that they had been able to register almost 77% of the total voting population, which by all standards is an impressive result. There figures were as follows:

Governorate	Estimated population by mid 2005	Out of which over 18 years	Total registered per January 2006	Out of which over 18 years	Percent registered of estimate over 18 years
Jerusalem I	249183	123096		*)	
Jerusalem II	149150	73680	49574	48443	65.7
Jenin	254218	125584	102106	101664	81.0
Tulkarem	167873	82929	74276	73340	88.4
Tubas	46644	23042	21063	20775	90.2
Nablus	326873	161475	130336	129379	80.1
Qalqilia	94210	46540	34066	33701	72.4
Salfit	62125	30690	27367	26641	86.8
Ramallah	280508	138571	106636	106061	76.5
Jericho	42268	20880	16203	16073	77.0
Bethlehem	174654	86279	70006	69210	80.2
Hebron	524510	259108	188470	186054	71.8
Total West Bank	2123033	1048778	820103	811341	77.4
North Gaza	265932	131370	101026	98535	75.0
Gaza	487904	241025	176684	174378	72.3
Deir Albalah	201112	99349	80363	79051	79.6
Khan Younis	269601	133183	104447	103377	77.6
Rafah	165240	81629	67411	65817	80.6
Total Gaza	1389789	686556	529931	521158	75.9
Total	3512822	1735334	1350034	1332499	76.8

*) In some statistics the CEC includes the figure 123,096 for Jerusalem I in the voter registration figures since they never got a chance to register and could vote by using their Jerusalem ID only.

Table 8.2. The voter registration against estimated population figures per governorate (constituency).

8.3 Voter Registration in Jerusalem

Voter Registration centres opened in East Jerusalem (Jerusalem I) like in the rest of the Territory on 4 September. Israel protested against the registration referring to the special arrangements for Jerusalem in the Oslo Accords. On 11 September they closed all the centres. The special arrangements had, however, not included the voter registration. In 1995-96 the voter registration in Jerusalem had proceeded in the same manner as in the rest of the Territory. Only the campaign and the voting had been under a special regime.

The Palestinians in East Jerusalem had been afraid to register even during the time when the centres were open. On 6 September the Israeli police had already come to the centres and confiscated material. The Israeli police would also always be present outside the Jerusalem district office of the CEC and the staff of the district office was under investigation.¹²³

Immediately prior to the January 2005 elections an agreement was reached between the Palestinians and the Israelis establishing five polling stations in post offices in Jerusalem I (within the city itself) with a ceiling of 5376 voters, similar to the number registered to vote in post offices in 1996¹²⁴. The post offices were: Saleh Addin Street, Shufat, Al-Tor, Beit Hanina and Jaffa Gate. On 4 January a sixth centre was added: Sour Baher. The rest of the voters from Jerusalem I would have to vote in voting centres in Jerusalem II (on the outside the city on the West Bank but in the Jerusalem governorate). In Jerusalem I door-to-door canvassing started in December for the post office voting and those being registered received a voting ticket. Those not registered would have to vote by the use of the blue Jerusalem ID card in the special polling stations in Jerusalem II, and their names would be noted in the polling station during the vote. Only the ink would protect against multiple voting.

On 7 May 2005 the registration centres again opened in Jerusalem I and the Israelis closed them on 10 May and confiscated the registration kits.

In 2006 a similar arrangement was agreed with the Israelis, with six post offices manned by regular postal staff served as polling stations for up to 6,300 out of the total of 123,000 Jerusalem I voters. The rest would have to travel into Jerusalem II (the part of the Jerusalem Governorate which is outside of the city). By 2005 and 2006 the restrictions on the movement was much more severe than in 1996, not least because of the separation wall. Even though the Israelis did open some of the roads from Jerusalem I to Jerusalem II the voters living in Jerusalem I never got a fair chance to vote. In addition comes the fear people had for retaliation by the Israelis (in terms of revoking residence rights) in case they used their right to vote.

¹²³ The head of the office was brought in for questioning for 4 hours on 19 December 2004.

¹²⁴ The Oslo agreement had specified voting in post offices without setting a specific ceiling on the number of voters being permitted to vote in this manner, see Appendix 3.

The key figures for the registration and voting in Jerusalem are:

Sites	Presidential election 2005		PLC 2006	
	Registered with a "voting ticket"	Voted	Registered	Voted
The post offices	5600	1326	6300	3006
Jerusalem I voters voting in Jerusalem II		6478		15252
Jerusalem II	28387 ¹²⁵	20255	47742	22748

Table 8.3 Registration and voting in Jerusalem in the 2005 and 2006 elections

Out of a potential of 123,000 Palestinians of voting age in Jerusalem I only 18,000 voted in 2006 and less than 8,000 in 2005. With all the obstacles Israel decided to rise on the registration and the voting it is clear that the population felt harassed and the fear of losing privileges combined with the actual hurdles on election day all contributed to this result.

¹²⁵ In addition comes the lists generated from the civic registers.

9. The Presidential Elections on 9 January 2005¹²⁶

The PLC took a legalistic approach in adhering strictly to the basic law in calling for elections within 60 days of the President's death, and dismissed the proposals of electing a new president by a vote in the PLC itself. The latter could possibly have been defended by (unwritten) emergency rules.

9.1 Main Assessment

The elections were carried out under occupation. Occupation does not provide for an environment needed for organising 'free and fair' elections. The international community had since 2002 (see the report by NDI, IRI, IFES and the Norwegian Foreign Ministry dated August 2002) used the expression 'meaningful election' instead. Elections would provide a necessary step for strengthening the Palestinian Authorities. The term in office of both the president and the PLC expired in May 1999, and a renewed popular mandate has been called for ever since. On the other hand, the second Intifada and the Israeli re-occupation of Palestinian cities following suppressive control of the West Bank and Gaza did not provide for an environment where even the minimum requirements of international standard to elections could be met.

However, the PA came to the conclusion that the vacancy after President Arafat should be filled following the procedure of the Basic Law, which meant to hold an election within sixty days of his death.

There were in particular two elements, which directly influenced the electoral process:

- The limitation to the freedom of movement made it difficult for people in general to participate in the pre-election processes including the nomination of candidates and the campaign;
- The conditions imposed by Israel on the election in East Jerusalem created confusion and clearly prevented people from exercising their right to vote.

¹²⁶ The assessment is partly based upon the reports from the EU election observation mission (EUEOM) and NDI/Carter Center and partly upon own observations prior to, during and after the elections.

The Palestinian political agenda is all about the occupation. In stead of focusing on ways of improving the daily life of the people, economic development, corruption, culture, etc. the campaign mainly concerned the relationship with Israel.

The Central Election Commission (CEC) started to prepare a voters' register (VR) already in September 2004. When the Presidential elections were announced in November, the registers were already available. The PLC decided in December to add to the VR even those people on the Civil Register (CR) who were eligible to vote and who had not already registered as voters. CEC was strongly against this addition, but agreed under certain conditions to administer the change.

The CEC planned and carried out the elections in a highly professional manner. There were few complaints about the polling and the count, and Election Day was peaceful and orderly. Representatives of the candidates and the NGO observers enhanced the credibility and transparency of the process.

However, the CEC issued an instruction in the afternoon on the Election Day which allowed everybody to vote in any Civil Register polling station by presenting the ID card only. This changed the rules of the game at a late stage, without adding any benefit to the process. The decision was taken under strong political pressure, which violates the respect for the CEC as an independent body outside of the political and Government structure. See Section 9.6 below for a further discussion.

It was also claimed that the Fatah candidate used public means in his campaign and that the public media gave him more the coverage in the public media than he should have. All candidates were given a chance to present themselves and their programme on public TV, but the coverage of Abu Mazen went far beyond this in news and other programmes.

The publication of detailed results including a break-down of turnout figures was not done promptly. The CEC should improve this service for the PLC elections.

It should also be mentioned that the CEC did not appoint District Elections Commissions (DECs) to start with. They found it more efficient to just keep staff in the districts, not bodies with decision powers. Only after complaints from the party PPP and from NGOs such as the Palestinian Centre for Human Rights (PCHR) pointing out that the DECs were regulated by law, and that they were supposed to tabulate results, they gave in. The initiative by the civil society urging the CEC to strictly follow the law must be commended. In the new election law passed in 2005 the DECs are taken out and replaced by district offices under the CEC's administrative control. This was done at the request of the CEC.

Despite the shortcomings, there is no doubt that the Palestinians took full ownership of the electoral process and that the outcome gives a legitimate mandate to the new President.

9.2 Freedom of Movement

Freedom of movement is a precondition for regular political activities. Without such freedom the formation of groups and alliances, campaign activities and voting can be seriously damaged.

It was clear when the Presidential Elections were called in November that there would not be freedom of movement during these elections, due to numerous Israeli closures. However, when negotiations started late December, the Palestinian Chief negotiator Dr. Saeb Erekat agreed with the Israelis to three types of freedoms:

- Freedom for the election administrators to move and the elections material to be distributed as needed;
- Freedom for the candidates to move during the campaign;
- Freedom for voters to move 72 hours prior to Election Day.

The main deficiency, which is not covered by the agreement is the possibility for the general public to participate in the political process. Candidates could (with exceptions) travel to cities and towns for campaign meetings, but voters not living in such cities and towns could not move to meet their candidates. A voter living a few hundred metres from Ramallah would not be able to come to campaign meetings there. In general, grass root activities are not really possible across even small geographical areas in the Palestinian territories.

That being said, the elections were well publicised and that the candidates were well known to the public. As this was a presidential election, the candidates would need territory-wide support and the total number of candidates was limited. The election therefore did provide for a meaningful process, which – within the limitations already mentioned – led to a legitimate election of president.

9.3 Elections in East Jerusalem

In 1996 the elections in East Jerusalem were regulated by the Oslo Accords. The Agreement signed in Washington on 28 September 1995 (the Interim Agreement) states in Article II:

“3. Palestinians of Jerusalem who live there may participate in the election process in accordance with the provisions contained in this Article and in Article VI of Annex II (Election Arrangements concerning Jerusalem). “

Article VI of Annex II is enclosed in Appendix 3 to this report.

The voters which were not included in the capacity of the five post offices mentioned in the agreement would have to vote in polling stations outside East Jerusalem, on the West Bank.

The voting in the post offices was not a success even in 1996 due to the intimidation voters felt by massive presence of Israeli Defence Forces. In addition only a small portion of the electorate could vote inside the city. In addition, voters had hesitated to register due to fear of losing privileges relating to their East Jerusalem residency, even though both Israelis and Palestinian authorities assured people that the fear was unfounded. In 1996 it was estimated that approximately 72% of the voters registered in East Jerusalem compared to more than 90% for the territories in total. The turnout in East Jerusalem was 30 % of the registered voters against 75.4% in the territories in total.

The arrangements in 1996 were far from good. In 2005 they were much worse due to three factors:

- The special arrangements of 1996 included the campaign and the polling, but not the voter registration. Nevertheless, the Israelis stopped the voter registration in the beginning of September 2004 in East Jerusalem by referring to the Oslo Agreement. This reference was not correct.
- The voters who were not registered to vote at the six (increased by one from 1996) post offices, would have to travel outside the town to one out of twelve polling stations set up for that purpose. In 1996 travel restrictions were much lighter than in 2005. Now the separation wall has made the journey from the old city to Abu Dis a major effort, whereas it used to be few minutes before the wall was erected.
- The agreement between the Israelis and the Palestinians was entered into one of the last days in December leaving only one week for canvassing voters up to the ceiling of 5367 voters. This caused confusion, and the information to the voters on where to vote was not accurate. The staff in the post offices was regular postal workers, and they had not been trained to inform rejected voters that they could vote at one of the twelve polling stations outside the city. In addition some voters lists got mixed up. This confusion was corrected during Election Day.

9.4 The Legal Framework

The elections were held in accordance with the Basic Law, which requires elections of a new President to be held within sixty days of the decease of the President. Even though it had been possible to argue that elections would be difficult under the present circumstances, leading politicians agreed to follow the Basic Law and hold elections. The legalistic approach behind this decision should be commended.

There had been several efforts to draft a new general election law. The elections in 1996 were held according to a law passed by Presidential Decree on 7th December 1995. The most recent and thorough attempt of drafting a new law to be passed

by the PLC on the basis of the Basic Law of March 2003 was done during August and September 2004. The PLC had started the first reading of the law when the Presidential elections were announced. The most complicated reform issues of the new draft is related to the PLC elections rather than to the Presidential elections, and it was not seen to be realistic that the new law could be passed in time for the 9th January elections.

Instead it was decided to use the 1995 Election Law, with a few amendments passed by the PLC. The two main amendments were:

- The Civil Registers were added as official records for the voting in addition to the Voter Registers;
- The term in office was defined to be four years, not as before for the ‘interim period’.

In the draft law being discussed in the PLC the electoral system for the presidential elections is proposed to be changed from a plural (first-past-the-post) system to a majority system where a candidate needs more than 50% of the votes to be elected. If no candidate wins a sufficient majority, a run-off is needed with only the two candidates with the highest number of votes running.

As it turned out the change would not have made a difference. For future elections, however, a majority system should be considered. The possibility that a President may be elected with maybe 30 to 40% of the votes would easily raise a discussion about the legitimacy of the mandate with claims that the elected candidate actually has a majority against him or her.

Later¹²⁷ the Basic Law was changed regarding the term in office of both the President and the PLC. It now specifies a fixed four year term and does not refer to the interim period.

9.5 Voter Registration

The CEC had started voter registration on 4 September 2004 in order to prepare for future general elections. Voter registration is the most complex and expensive part of an election, and the fact that this had already started made the decision of holding the Presidential Elections within 60 days of the death of President Arafat.

In November concern was raised that the voter registry did not include enough voters. The CEC offered to reopen registration to allow persons who had not registered a new chance to do so. Against the CEC advice, PLC decided, however, to allow persons to vote directly by the Civil Registers. The CEC accepted this provided they could introduce indelible ink as a precaution against multiple voting.

¹²⁷ In 2005, see Section 5.2.

The CEC washed the Civil Register against the Voter Register, and ended up with approximately 700,000 names which could not be clearly identified as already being on the voter register. It was anticipated that many of these had left the territory, and there would be duplicates due to the inaccurate names. The Civil Registers were split into special voting centres according to the addresses. With the inaccurate addresses it was expected that voters would have to be turned away on Election Day.

After the elections all involved parties seemed to be of the opinion now that only the voter register should be used for future elections, and before the 2006 PLC elections extensive voter registration efforts had been carried out so that any additional lists became unnecessary.

9.6 The CEC Decision to Change the Rules on Election Day

On Election Day it became clear that the voting in East Jerusalem was confusing. People who claimed to have registered were turned away because their names could not be found, and they did not get information about where to go. In the end the CEC sent out the full registries (of less than five thousand names) for East Jerusalem to all the six post offices, and people could vote in any one of them. The ink would prevent multiple voting.

In addition to this decision which came in response to an acute problem, the CEC also decided in the afternoon of the Election Day to allow everybody to vote in any Special Voting Centre (the ones for Civil Registers). Their names would be recorded and the ink would be the precaution against multiple voting. At the same time the voting was extended by two hours.

It is clear that some people had been turned away – as expected – from the Special Voting Centres because their names were not listed at the place they now resided. However, the change came totally unexpected, and the polling stations were not prepared for this type of measure. Extending voting hours is often within the authority of the CEC, but allowing to vote outside the registers is a major change which was not justified by the law or the situation at all.

On 10 January the CEC published the following justification for its decision:

“On Election Day, the CEC received thousands of telephone calls from individuals whose names appear on the Civil Register, but who were unable to locate their polling centres. This was despite intensive efforts made by the CEC to clarify issues for Civil Register voters, including announcements in the daily newspapers, radio, TV, and other forms of media, and the availability of a toll-free telephone information service. It became clear that this problem had the potential to deprive many voters of their voting rights.

In response, the CEC decided to resolve the issue through the following steps:

- a. Allow those who carry identification cards but were unable to locate their polling centres, to vote at the nearest Civil Register polling centre.
- b. Record the name of the voter along with the number of his/her identification card. This record would permit the CEC to ensure at a later time that the vote has not been duplicated. Even though the presence of indelible ink on a voter's thumb made multiple voting impossible, the recording of names was taken as an additional precautionary measure.
- c. Since this decision was taken at a relatively late time, the opening of civil registry polling centres was extended by two hours. To provide an equitable opportunity for all voters, polling times at voters' list polling centres were also extended by two hours.
- d. The CEC will compare the names of those who voted on the basis of their identification card, against the record of voters drawn from the lists. If duplicate voting becomes apparent through this crosschecking procedure, the CEC shall take all necessary measures in accordance with the law.

The CEC would like to emphasize that it was faced with two options; either deprive some of the right to vote, or allow them to participate with controls to prevent duplication. The CEC found the second option the more appropriate. While the CEC has conducted its work within the legal framework, it observes that the civil registry does not fulfil the needs of the CEC, and furthermore contains many mistakes and flaws. The CEC has pointed this out on numerous occasions, including to the Palestinian Legislative Council which approved use of the list. Furthermore, the fact that only 12% of the approximately 700,000 eligible voters listed on the Civil Registry actually turned out to vote, suggests that the use of the list is unnecessary, and that the proper course of action would be to abandon the use of the civil registry and instead augment the voters list through further registration.

The CEC took its decision based upon an assessment of the technical issues related to the voters registers and on the security situation at large. It later became clear that political figures close to Fatah had called or showed up at the CEC offices in order to influence this decision.

Prior to the elections the security forces had expressed a wish that their members should be able to vote wherever they would be posed on Election Day. The CEC had agreed to this provided they would be given lists of where the staff would be on Election Day. Such lists were received only two days before the elections, when there was too little time to implement the change. When the decision had been made, buses with security personnel were observed at polling centres in Ramallah and Nablus.

There is nothing wrong in political players calling the CEC on Election Day with requests. It may only be criticised if the pressure goes beyond legitimate means. There were attempts to put the Chief Election Officer (CEO) under such pressure.

Shots were fired in the close vicinity of the CEC, and calls to the CEO indicated that these were meant as messages from intelligence officers.

The CEO's deputy resigned on 10 January and the CEO on 11 January as a direct result of what they regarded as undue pressure on the CEC. All together 46 staff members resigned, but many were persuaded to stay. The CEO and his key staff later decided to remain in their positions.

In sum it must be concluded that the decision to allow everybody to vote with their ID card at any Special Voting Centre (outside of Jerusalem) had no significant effect on the turnout or the result. It was claimed to be necessary to diffuse tension at voting centres. It seems like this tension to a large extent was fuelled by main political forces. The decision did raise doubts about the integrity of the process, and in particularly about the governing party's willingness to accept the independence of the Central Election Commission.

Voting arrangements for the security forces continued to be a matter of conflict. Before the PLC elections in 2006 early voting arrangements were introduced for the security forces but not without problems, see Section 11.5.

9.7 The Results

CEC published the following results on 10 January:

775,146 Palestinian voters voted in the West Bank, including Jerusalem, and Gaza Strip. The results for each of the candidates are as follows:

Name of Candidate	Number of Votes	Percentage
Mustafa Barghouthi Independent	153516	19.8%
Mahmoud Abbas (Abu Mazen) The Palestinian National Liberation Movement (Fateh)	483039	62.3%
Bassam El-Salhi Palestinian Popular Party	20844	2.7%
Tayseer Khalid Democratic Front for the Liberation of Palestine	27118	3.5%
Abdel Kareem Shbeir Independent	5874	0.8%
Abdel Halim Al-Ashqar Independent	20774	2.7%
Al-Said Baraka Independent	9809	1.3%
Invalid Polling Papers	29366	3.8%
Blank Polling Papers	24806	3.2%
Total	775146	100.0%

Table 9.1: The 2005 Presidential elections results.

The number of registered voters had been published prior to the elections. The figure was approximately 1.1 million. In addition approximately 700,000 names were listed on the Civil Registers.

At the press conference on 10 January the CEC stated that out of the 775,146 votes cast, approximately 80,000 voted at the Special Voting Centres (possibly including those not being registered there). This would leave a turnout of approximately 64% out of the voter registers and 12% out of the Civil Registers. The break down of turnout for voter registers and civic registers were not published immediately upon the elections and the breakdown for Jerusalem did also not come out at the time.

Out of the estimated figure of 123,000 voters in Jerusalem I (East Jerusalem, see Section 8.3) less than 8,000 voted, out of which approximately 1,300 at the post offices.

The lack of transparency regarding prompt release of turnout figures may be due to the resignation of CEC members and staff. The massive preparation and resources available to the CEC should, however, have enabled them to publish such key information, including the figures from East Jerusalem, the number of votes with IDs only, number of votes from Civil Registers and number of votes from voters registers.

On 12 January the CEC did publish a breakdown of the support for each candidate by district.

9.8 Election Observation

The elections were observed by domestic as well as international organisation. A few days before the elections the following number of observers or party/candidate representatives had been accredited by the CEC:

Domestic observers:	7,125
International observers:	688
Party agents:	11,382
Candidate delegates:	2,200

The main international observer teams were the EUEOM (EU Election Observation mission) headed by former Prime Minister of France Mr. Michel Rocard with Mr Mark Stevens as his deputy, and the NDI/Carter Centre from the US, with President Jimmy Carter as the most prominent leader and with Mr Leslie Campbell as the expert leader. Both these two missions came out with generally positive comments on the elections. The negative comments were on the environment created by the occupation, and on the decision to change the rules on Election Day.

9.9 Conclusions

The Presidential elections in the Palestinian Territories were generally organised in an impressive manner. Election staff was well trained and the voting process consistently robust all over the territory, except for East Jerusalem. The voter registers turned out to be of high quality and problems regarding these were not reported.

The main problems were:

- The lack of freedom of movement leading up to Election Day, not enabling voters to meet candidates and participate in the political process. This will be increasingly important for the upcoming PLC elections;
- The voting in East Jerusalem was highly inadequate and the registration had been stopped by the Israeli authorities in September.
- The decision to allow everybody to vote in any Special Voting Centre was against the law and did not address an actual problem. This decision seems to have come after undue pressure from leaders of the ruling party;
- The lack of timely publication of detailed turnout figures decreases the transparency of the process.

The international community should maintain a pressure on Israeli authorities to allow proper voter registration in East Jerusalem and adequate voting arrangements there, and to lift the restrictions of movements in all the territories well ahead on any future elections should they still have to be organised under occupation.

10. The Local Elections in 2004 and 2005

The local elections in December 2004 were the first elections where Hamas participated. Hamas did not nominate a candidate for the presidency in January 2005 but they did participate fully in the 2006 PLC elections. Hamas' participation represented a major change to the political scene in the Palestinian Territory. Earlier, Fatah was the dominant political group who comfortably expected to win all elections. With Hamas' participation, two organised groups, each with support from a large share of the electorate, would dominate the elections. Already in the first round of elections it became evident that Hamas could win support close to Fatah's. In addition, it was illustrated that the block vote system would be of great benefit to the best organised, large group.

The elected councils of local units in the Palestinian Territory are of three kinds, depending of the nature and size of the local unit: Municipal councils, local councils and rural councils. The boundaries of the units were at the outset not clearly defined. The Ministry of Local Government is responsible for drawing the boundaries and the process has been going on since 2004 and is still not completed by 2006. One will therefore see different figures for the total number of local councils.

The Ministry had decided that no council should be elected for units with a population below 1,000. Such villages should instead be administered by appointed "project committees" until such time that the villages could be merged into units which would justify an elected council.¹²⁸ 154 villages were identified as being too small for elected councils.¹²⁹

Each council covered a rather small geographical area. The size of the local units varied from a population of 1,000 to almost 170,000. All together there were by 2006 defined around 307 councils on the West Bank and around 28 in Gaza. The plan for defining new units with elected councils would only be completed after round five of the local elections.

¹²⁸ There is no legal basis for depriving part of the population local democracy but this is a pragmatic decision which comes in the context of a long process of establishing elected councils all together.

¹²⁹ Out of these 39 are for historical reasons labelled rural councils but they are not to be elected.

There was also another exception to the local democracy in that the people living in refugee camps on the West Bank were not part of the regular local structure. They had an administration according to rules set by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). However, in Gaza the camps were part of the regular system.¹³⁰

The local elections had long been called for. When the PLC was elected in 1996 it was also anticipated that local councils should be elected. When the international pressure to hold elections increased in 2003, the focus was mainly on the territory-wide elections. However, the President decided in 2004 that the elections for the councils should come prior to the PLC and presidential election. After a number of delays it was decided to hold a first round of elections. The number of further rounds changed as time passed. By August 2006 four rounds are held but 65 local units are still to hold elections.

The breakdown in rounds of elections is as follows:

Round	Part	Election date	Number of Municipalities	
			West Bank	Gaza
1	1	23 December 04	26	
	2	27 Jan 05		10
2	1	5 May 05	76	
	2	19 May		8
3		29 September 05	104	
4		15 December 05	40	3
5		Yet to be organised	61	4
Total			307	28

Table 10.1. The number of local councils elected in the rounds held or planned.

A full list of municipalities per round and governorate is given in Appendix 11. However, it is not easy to reconstruct the lists since the files of the HCLE are not complete. The lists have mainly been set up on the basis of information provided by NDI, but the lists may still not be totally accurate.

The first two rounds of elections were held according to the 1996 local election law as amended on 21 October 2004 under the block vote system. Then in August 2005 a new law was passed which *i.a.* changed the system of representation from block vote to List PR.

In round four elections had been planned in Hebron but they were cancelled. In three municipalities on the West Bank only one list was proposed and no elections were held in those municipalities.

¹³⁰ In Gaza such exception would have included a very large portion of the population.

10.1 The Election Administrative Bodies

The local elections were administered by the Higher Commission for Local Elections (HCLE) and by election committees with 5 – 9 members for each of the electoral districts. The electoral districts correspond to the area of the Local Councils.

The President decided on 24 May 2004 (Decree No 8) to appoint an HCLE which was different from the already existing CEC. The commission had 17 members and the composition was based upon representation from ministries, the Legal committee of the PLC and other institutions and had the Minister of Local Affairs as its chairman. This meant that the members were all close to Fatah. After criticism by parties the one representative of each party including Hamas and Islamic Jihad were invited to become members of the commission and the total number became 31 (Presidential Decree No 14 16 August 2004).

The international community in general and in particular the Elections Reform Support Group (ERSG)¹³¹ found this to be a wrong decision, both from a principle point of view as well as more technical. The principle was that the election commission had by its appointment a too strong link with the government and the ruling party. It became a government body rather than an independent election administration. The technical issue was that the CEC had built up an election administration over almost two years with massive resources, and it would be wrong to duplicate the efforts by a second administration.

It was on the other hand argued that the CEC had a slow start and that the HCLE had been able to concentrate on the local elections at a time when CEC was more involved with general elections and voters registers.

Later an agreement was entered between the two commissions, and the most significant technical achievement was the decision of basing the local elections on the CEC voter registers.

The ERSG recommended that the donors should not support the HCLE financially to start with, a position that was loosened later. The four rounds of local elections carried out by the HCLE had all together less material support from the international community than corresponding CEC elections.

The new local election law stated that CEC was responsible for local elections and that the HCLE was only in charge till the end of December 2005. From the fifth round of elections onwards the CEC will therefore be in charge.

¹³¹ See Section 6.2

10.2 The Election Administration

All four rounds of elections held so far have been observed by local NGOs and by the National Democratic Institute (NDI). The rest of this section on municipal elections is mainly based upon NDI's reports except for the first round which was also witnessed by the author of this section.

The election administration under the HCLE worked with less funding and simpler infrastructure than the CEC had for the presidential and the PLC elections. Still they were able to carry out elections which on election day worked reasonably well. However, the election administration had flaws which could not be attributed to lack of resources:

- Decisions were made in a less than transparent manner;
- Decisions were taken without legal basis, e.g. regarding delay in registration of candidates, cancellation of already scheduled elections in some districts without announcing a new date (third round), not giving a timely date for elections reordered by a court.
- Irregularities compilation of primary voters lists and updates to the final lists.

At the positive side the HCLE for the third round hired extra staff to manage the queues and the crowds outside the polling stations. The civil registry was not used after the second round so that that element of confusion was eliminated. The capacity of the polling stations was also eventually increased and the coordination with the police improved.

However, "many of the decisions of the HCLE have been made in an arbitrary manner without proper documentation, dissemination or legal record. One result of these practices is that procedures are often applied by District Elections Commissions in an inconsistent manner, with no comprehensive legal framework".¹³²

When the systems of representation changed from the block vote system to List PR from the third round onwards the lists often used local names which did not correspond to the territory-wide movements. "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

¹³² NDI after the third round of elections.

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”¹³³

After the third and fourth rounds of elections the NDI stated¹³⁴:

“Although the results appear substantially unaffected, the HCLE’s administration of the local elections was inconsistent. Last minute modifications to the process such as changing the electoral system from block voting to a system of closed proportional representation lists created confusion among candidates and voters.

Weaknesses in the legal framework for local elections included the absence of clear regulations on the sequence to conduct local elections, leading to speculation that final decisions intentionally benefited the ruling party. In addition, the HCLE chairman’s decision to maintain his position on the elections committee despite being a Fateh candidate in the January 2006 legislative council elections was illegal and raised questions concerning the impartiality of the process. Furthermore, the HCLE’s reasons for allowing lists the option of registering “unofficial” partisan affiliation appeared to have no legal grounding and were not communicated to the public.”

10.3 The Voters Registers

The CEC had been registering voters since September 2004 and the HCLE decided to use these registers as a basis for the municipal elections as well. However, there were a fair number of voters who had not registered and it was therefore decided that the civic register should be used in addition to the voters register. The PLC had decided the same for the presidential elections against the recommendation of the CEC. The civic registers had not been properly maintained and the quality of the information was not good. It was expected that even after having tried to delete any entries from the civic registers which were already in the voters registers there would be a lot of names which were either duplicates or entries of people who had passed away or moved.

For the first part of first round of elections the voters registers included 91,123 names and the civic registers added another 52,798.

It could not be expected that the turnout on the civic registers would be high. The polling stations set up with those registers were crowded because all the voters who did not find their names on the voters registers would turn out there to vote.

¹³³ NDI after the fourth round of elections.

¹³⁴ NDI Final Report Palestinian Local Elections 2005. Round three September 29. Round four December 15.

However, often they would not find their names on the civic registers. One example was the Hilal Club in Jericho (first round of elections) where there were around 7000 registered voters and only about 550 turned out to vote. In this particular case many of the persons on the lists were security forces which came to Jericho as a result of the 1994 Cairo agreement. Some people also claimed that they had registered to vote without being listed in the polling station. One reason for this was that the cut-off date for registration for the local elections was 3 November 2004, whereas the registration for the Presidential elections continued beyond this date

The use of the civic register was only kept for the first two rounds of elections. By the third round the voters had been given more chances to register in the proper voters registers.

10.4 Observations from Election Days

The polling station staff was generally capable and carried out their task in a professional manner, and the voting was done in a peaceful atmosphere. The main observation for all rounds of election was that election day campaigning was frequent close to polling stations. The election administrators did not really try imposing the law which did not allow for campaigning on election day and for election material being disseminated close to polling stations.

A few incidents of tension were reported and the polling had to close a few times. However, such incidents were few and did not jeopardise the process as such.

In general the following were reported in most rounds of election:

- overcrowded polling stations,
- poor crowd control,
- inappropriate engagement of police in crowd control,
- extensive coaching of voters and abuse of assistance to illiterate voters,
- inappropriate campaigning inside polling stations,
- use of an incomplete preliminary voter list, rather than a final voter list,
- variations in polling procedures at different stations.

The management of the polling did improve for each round, in particular the crowd control, the general order and the capacity of the polling stations. The staff was better trained already from the second part of the first round. From the second round the procedures for assistance to illiterates were tightened up, but the observers still reported on serious abuse of the provisions.

The counting was often very slow. During the first round some polling stations did not finish before next morning or even towards noon. This also improved in later

rounds. Observers reported that procedures for counting ballots and tallying votes were transparent and straightforward.

The HCLE announced complete results, with breakdown to the polling station level. This is important information for political activists and civil society in future elections, to gauge turnout and support levels.

In their report on the third and fourth round of elections, NDI stated¹³⁵:

”In the midst of ongoing conflict and occupation, thousands of Palestinians went to the polls on September 29 and December 15, 2005 to elect new local councils. The campaign environment was vigorous and energetic in the West Bank and Gaza. Voters had a variety of candidates, coalitions and political ideologies to choose from and voter turnout was high. Voting and counting were conducted in a largely orderly and peaceful manner. Improvements in election day procedures and staffing curbed many of the problems experienced (overcrowding at polling stations for example) during previous rounds of local elections.

New assisted voting procedures for illiterate voters helped to alleviate, but not eliminate, concerns over the “coaching” of voters. In the third and fourth rounds, the HCLE introduced new procedures allowing those who could not read to receive assistance from family members. Concerns over coaching persisted and a few incidents occurred in which individuals were allowed to assist more than one voter, a violation of the law. However, these abuses were not as widespread as in previous rounds of local elections.

Finally, on election day, polling station and security officials did little to prevent campaigning—a violation of Palestinian law—which was pervasive outside polling stations. Overall, the campaigning did not interfere with the actual process of voting, however in some cases voters had restricted access to the polling stations.”

10.5 Election Appeals

The HCLE deemed complaints addressed to them unofficial, and instructed appellants to challenge the election results in court. The court annulled the results in the West Bank localities of Sneriyah (Qalqilya), Attara (Ramallah) and the Gaza localities of Rafah, Beit Lahiya, and Al Bureij and ordered the HCLE to rerun the elections in ten days.

The HCLE scheduled reruns for June 1, 2005, a date past the required timeframe,

¹³⁵ NDI Final Report Palestinian Local Elections 2005. Round three September 29. Round four December 15.

and then cancelled polling in all localities except Sneriyah. Voting in Gaza was cancelled the night before election day when Hamas announced it would boycott the repeat elections. The HCLE postponed the revote in Attara for what it classified as security concerns. Polling has not been rescheduled in any of these areas by the end of 2006.

10.6 Election Results

The first two rounds of election were held according to the block vote system. In the first round the party affiliation of the candidates were not indicated on the ballots. In the second round there was a possibility for adding the affiliation to the candidate name and only approximately 60% of the candidates used this opportunity (1565 out of 2543). It is therefore not straight forward to report the result by party or group, in particularly not for the first round. However, the National Democratic Institute (NDI) performed thorough studies of the candidates' affiliation and the results given below are in most parts based upon their assessment.

Turnout

The turnout in the first part of the first round of elections was high. The table below shows the breakdown for all the 26 municipalities combined:

Type of Register	Number of voting centres	Number of polling stations	Number of registered voters	Number of voters voting	Turnout in percent	Number of voters per PS
The original CEC Voter Register	72	120	91,123	74,557	81.8	759
The Civil Register	21	36	52,798	13,981	26.5	1467
Total	93	156	143,921	88,538	61.1	923

Table 10.2. The number of registered voters and the turnout in the first part of the first round of local elections on 23 December 2004.

The HCLE published the 81.8% turnout figure relating to the CEC voter registers only. The use of the Civic Registers facilitated almost 14,000 extra voters to vote, even though the percentage turning up at the right place is much lower than for the voter registers. It is not possible to estimate the 'true' turnout in terms of the share voting out of those actually eligible to register to vote in the municipalities, but the figure is clearly between 62% and 82%.

Political Composition of the Councils

In the first part of the first round of elections the newspapers reported on 27 December Fatah won a majority in ten municipalities and Hamas in thirteen. Other sources indicated that Fatah (including Fatah independents) won 189 seats, Hamas 76 and Peoples Front, Democratic Front, PPP and other won the rest. With the alliances Fatah is reported by some sources to have control of 20 municipalities, Hamas 4, and two are still being negotiated.

National Democratic Institute (NDI) made an assessment of the result which is probably the most reliable one: Fatah Movement candidates won the majority of seats in 12 councils, Hamas candidates won the majority of seats in seven councils, and in the remaining seven districts, no political organization won a clear majority and a governing coalition had to be negotiated among the winning candidates.

In the second part of the first round (ten Gaza municipalities) the NDI stated that Hamas won the overwhelming majority of seats in seven out of nine councils, winning 77 out of 118 seats. Hamas won a majority in the seven districts. The Fatah Movement candidates won 26 seats, and independent candidates won a total of 14 seats and the Popular Front for the Liberation of Palestine (PFLP) won one seat.

A summary of the results show:

Round	Contested seats	Candidates		Elected candidates			Municipalities won by *)	
		Male cand	Female cand	Female	Fatah	Hamas	Fatah	Hamas
1,1	306	748	139	53 (incl 19 res)			12	7
1,2	118	346	68	20 (incl 5 reserved)	26	77		7
2	917	2134	400	165 (incl 63 in reserved seats)	324	224	29	20
3	1018	1884	595	208	396	201	26	7
4					122	122	12	6

*) For the first two rounds the criterion used here is to be the biggest group whereas for the third and fourth rounds the criterion is winning absolute majority.

Table 10.3. Seats, candidates and results in the four rounds held of the local elections.

10.7 The Impact on the PLC Electoral System

The result from the first two rounds of municipal elections clearly showed that Hamas was able to mobilise for an election and that their supporters would be disciplined in casting their votes for Hamas-supported candidates. The results illustrated the inbuilt features of the block vote system and how the biggest group can benefit from the system if being disciplined in their nominations and instructions to voters. For example in the second round of elections in the Gaza municipality Al Breej the Islamist candidates got 51% of the individual votes and Fatah candidates got 45%. This translated into 12 Islamist members and 1 Fatah member of the council. Whether the Islamists were the biggest group or if their supporters were just more disciplined is impossible to say.

To what extent this was the reason why the President and the Fatah majority of the PLC in May 2005 reintroduced the fifty – fifty split in the parallel system for the PLC from the previous 2/3 for the block vote election is difficult to say for sure. The 2005 Cairo agreement between the President and Hamas and other Palestinian factions did have the 50-50% split as an element and it was important for President Abbas to stick to the agreement. However, some Fatah members must also have understood the implication of the block vote system. At the time there were even speculations about moving to a 100% proportional system for the PLC. For the rest of the municipal elections the system was changed to the far less arbitrary List PR system.

11. The PLC Elections

11.1 General

The PLC that was elected in 1996 was supposed to sit for the duration of the 'transition period'. The deadline set in the Oslo accords for a final status agreement was May 1999. As discussed in Sections 2 and 6, the process broke down and the general conditions did not allow for elections. However, in 2002 the international pressure on Israel and the Palestinian authorities to start a process which could lead to a peace agreement started again. The pressure included reforms on both sides. Holding elections was a main demand on the Palestinian side. Elections for the presidency and the PLC would normally be held simultaneously, but the death of President Arafat prompted immediate presidential elections in January 2005. The new election law had not yet been passed and holding PLC elections according to the 1995 law was not seen to be advisable. The move to hold PLC elections was, however, strong at the time and the acting President, Rauhi Fatouh, issued a decree on 8 January 2005, before the Presidential elections, calling for PLC elections on 17 July 2005.

After being elected President in January, Mahmoud Abbas started negotiations with Hamas in order to include them in the electoral process. The readings on the new election law continued in the spring of 2005. At the same time Fatah discussed the nomination process and possible primaries within the movement. Hamas wanted to proceed according to the time schedule but the President decided that 17 July was not possible to keep as the date for an election under a new system of representation and with a conflict on the nomination process within Fatah.

On 20 August 2005 the President issued a decree announcing the PLC elections to be held on 25 January 2006, the date when the PLC elections were actually held.

11.2 Election Administration

The Central Election Commission (CEC) had the full control and responsibility for these elections as they had had for the Presidential elections a year earlier. The new law had removed the commissions at district level and the CEC had instead

established district election offices directly under their control. The voters registers had been updated a number of times and the civic registers were not used on polling day.

On the presidential election day in January 2005 the CEC had been under pressure by politicians to change the voting process in particular for the security forces. The pressure prompted the CEC to resign but they eventually agreed to continue. The issue of voting for the security forces became a matter of conflict even during the PLC election and it led to the CEC resignation on 4 January 2006. The conflict was resolved (see Section 11.5 below) and the CEC members continued in their capacities.

The CEC has become one of the most respected institutions in the Palestinian territory. One may disagree with individual decisions of the CEC but their motives and will to organise correct elections have not been doubted. The way the CEC prepared the technical aspects of the elections, trained its staff and carried out the polling was impressive. There is still room for improvements in particular in the results presentation but all together CEC is an example for transition democracies.

11.3 Registration of Parties

Unlike the original draft election law from September 2004 which treated all lists equal regardless of the previous status of parties the law actually adopted did refer to registered parties.

The law of 2005 states in Article 16:

2. In the event of candidacy on the basis of (electoral lists):
 - a. The electoral list shall submit the candidacy application to the Central Elections Commission provided that the application is accompanied by a closed list that includes the candidates' names and confirmation of their acceptance of candidacy.
 - b. Attached to the application shall be a list containing the names and signatures of at least three thousand eligible voters, with the exception of accredited lists and parties duly registered.

This means that there were two alternative ways of proposing lists for the list race, either by collecting at least 3,000 signatures of support or by being a registered party. The election law of 1995 left it with the minister of interior to register parties. That law stated:

Art. 48: Registration of partisan entities

1. Any partisan entity seeking to participate in the elections must register as such before the Minister of Interior.
2. Partisan entities registered before the Minister of Interior may submit their nominations to the Central Election Commission and participate in the elections under their names, and the logos and symbols of their choice.
3. The Central Election Commission shall keep a special registry to record the names of all the registered partisan entities.

Art. 52: The decision

1. The Ministry of Interior shall release its decision, whether admitting or rejecting the registration, within 3 days from the submission of the application.
2. The request for registration shall be considered admitted, unless the Central Election Commission formally rejects it within 5 days from the submission of the application by means of an official certificate.

The Ministry never established the modalities necessary for party registration so that the President in the end (in 1995) issued a decree registering all factions of the PLO as parties. The president also issued a decree (before the 1996 elections) instructing the Ministry to register some other parties.

When the voter registration started in 2004 the 1995 election law was still valid. The CEC issued a by-law on registration of political entities based upon that law which stated that it was sufficient for a party to show that they had applied to the Ministry for registration and that the application had not been rejected. At that time Hamas applied for registration with the Ministry of Interior. They received no reply and the CEC therefore registered them according to Article 52,1 of the 1995 law since they had not received a reply within three days.

Out of the eleven lists registered for the list race in 2006 only three collected the 3,000 signatures. All the rest had registered as a party in some way or another under the 1995 law.

At the time of the 2006 elections the following parties had been registered:

No	Party name	Date of registration with the current CEC	Nominating a list in the 2006 PLC elections
<i>A. Parties registered by a presidential decree in 1995 registering all factions of the PLO as parties:</i>			
1	The Palestinian Democratic Union – Fida	14 August 2004	Yes, under the list name the Alternative
2	The Democratic Front for the Liberation of Palestine	14 August 2004	Yes, under the list name the Alternative
3	The Palestinian People’s Party	14 August 2004	Yes, under the list name the Alternative
4	The Palestinian Popular Struggle Front	22 August 2004	Yes, under the name Freedom and Social Justice
5	The Palestine Liberation Front	1 September 2004	Yes, under the name Martyr Abu al-Abbas
6	The Popular Front for the Liberation of Palestine	22 September 2004	Yes, under the name Martyr Abu Ali Mustafa
7	The Palestinian National Liberation Movement-Fatah	30 November 2004	Yes
8	The Popular Front for the Liberation of Palestine General Command	21 December 2004	No
9	The Palestinian Arab Front	1 September 2004	Yes, under the name Freedom and Independence
<i>B. Parties registered by the Ministry of Interior based upon the decree by the president in 1996:</i>			
10	The Islamic National Salvation Party	1 September 2004	No
11	The Palestinian National Initiative	22 August 2004	Yes, under the name Independent Palestine
12	The Palestinian Green Movement Party	2 December 2004	Freedom and Social Justice
13	The Islamic National Union	26 July 2005	No
<i>C. Parties registered by the CEC according to the 1995 law where the Ministry of Interior failed to respond to their application within the three days stated in the law:</i>			
14	The Islamic Resistance Movement - Hamas	1 September 2004	Yes, under the name Change and Reform
<i>D. After the new law came into force in 2005 party registration was no longer an option. The following three lists were registered by collecting signatures:</i>			
15	The National Coalition for Justice and Democracy-Wa’ad	During the nomination period in 2005	Yes
16	The Third Way	During the nomination period in 2005	Yes
17	The Palestinian Justice	During the nomination period in 2005	Yes

Table 11.1. The registration of political parties according to the different legal provisions.

The lists running in the List PR race were:

No	List name	Affiliation with reference to the registration number above	Top name(s) on the lists
1	The Alternative	DFLP (2), PPP (3), FIDA (1)	Qais Kamal Abdul Karim Khadir
2	Independent Palestine (and Independents)	PNI (11)	Mustafa Kamel Mustafa Barghouthi
3	Martyr Abu Ali Mustafa	PFLP (6)	Ahmad Sa'dat Yousif Abdel Rasoul
4	Martyr Abu al-Abbas	PLF (5)	Omar Ahmed Mahmoud Shibly
5	Freedom and Social Justice	PPSF (4), Kaffa (Enough), PGP (12)	Ahmad Abdel Salam Hasan Majdalany
6	Change and Reform	Hamas (14)	Ismael Abdel Slam Ahmad Hanieya
7	The National Coalition for Justice and Democracy	(15)	Eyad Rajab Ahmad El-Sarraj
8	The Third Way	(16)	Salam Khaled Abdullah Fayyad and Hanan Daoud Khalil Ashrawi
9	Freedom and Independence	ALF (9)	Salim Ali Mohammad Albredeney
10	The Palestinian Justice	(17)	Samir Sadiq Abdel Rahman Qadri
11	Fatah Movement	Fatah (7)	Marwan Hasib Husein Barghouthi

Table 11.2. The registration of lists for the 2006 PLC elections.

Even though the system applied may seem ambiguous, there is no reason to believe that any list which should have been included was not. Interestingly enough the two lists with less than 2,000 votes were registered by collecting more than 3,000 signatures of support (list numbers 7 and 10 above). Otherwise the lists numbers 4, 5 and 9 all got less than 8,000 votes (and less than 1% of the total number of list votes) and they had been registered under the first two conditions referred to above.

For future elections the conditions for registering a list in the proportional race should be disconnected from registration of parties, unless a party law has been established. Lists which have shown enough support to win seats in the PLC should not need to collect signatures but otherwise all lists should be required to do so regardless of whether they have previously been registered. This would require a change of the law but it would prevent the ballot from being filled with lists without any significance and support and it would create equal conditions for all political entities regardless of their history.

11.4 Nomination of Candidates

The nomination of candidates created some controversy because Fatah proposed two lists for the proportional election. When they decided to merge the two lists the deadline for registering candidate lists had expired. The law specifies in Article

48 that “[t]he registration of candidates shall commence on the date specified in the presidential decree calling for elections and shall continue for twelve days. No candidacy applications shall be accepted after that period.”

The PLC elections were announced by a presidential decree on 20 August 2006, where it was said that the “candidature for the PLC membership shall commence on Thursday 24 November 2005 and shall end in the period specified by the law”. That would mean that the nomination of candidates would continue to 5 December 2005.

As these deadlines turned out to be too tight a new decree issued on 21 November 2005 specified that the nomination should start on 3 December 2005 and last for 12 days, which would mean up to 14 December.

When the deadline was passed at midnight on 14 December twelve lists were nominated for the proportional race. Fatah had registered a list headed by Mohamad Ibraheem Abu Ali. At the same time a list under the name of “The Future” had nominated a list headed by the prominent Fatah figure Marwan Hasib Barghouthi. Leading elements in Fatah realized that two competing lists could have serious negative effects on the elections and moved to join the two lists together. By the deadline they had not succeeded in doing so but a joint list was presented right after the expiry of the deadline.

The CEC did not accept the belated nomination arguing that the law is clear. Fatah argued that one should be able to compensate for one day where the CEC offices had been closed due to unrest. The CEC refused to do so but said at the same time that their decision could be appealed to the Elections Appeals Court (CEC press release on 18 December).

The decision was appealed and the Elections Appeals court ruled in favour of Fatah who then got their merged list approved. The EU observation team commented upon this in their preliminary statement after the elections:

“In a questionable decision, the Electoral Appeals Court (EAC) overturned a CEC decision and allowed an extension of the candidate registration period which allowed Fatah to merge two separate lists that had been submitted by its members into a single national list.”

Even though the ruling could clearly be disputed the decision did accommodate that the list race was run with a realistic set of alternatives reflecting the real political situation. This decision and the rule for party registration described above represent a flexibility and pragmatism which under regular circumstances should be avoided and which should not be necessary. For future election the parties should not expect this kind of tailoring of the rules as the process proceeds.

The final day of withdrawal from lists and as candidates in the constituencies was 1 Jan 2006. In particular Fatah had realised that the large number of Fatah related candidates running as independents in the constituencies could split their vote and help Hamas candidates win the seats. The independent candidates were partly such who had won a seat in 1996 as independents and wanted to stay independent and partly candidates who had failed to make it as a Fatah candidate and therefore ran as independent. The Fatah leadership put a heavy pressure on candidates associated with Fatah to withdraw. Fatah issued a statement saying that independent candidates not withdrawing would be expelled from Fatah. The pressure was maintained even after the deadline and some candidates withdrew only days before election day. In such cases they would still be on the ballot and be formal candidates but Fatah would announce publicly that they had withdrawn.

After the election 74 independent candidates who had not withdrawn were expelled from Fatah, including eight members of the revolutionary council.¹³⁶

In four constituencies Christian quotas were applied to the election results. The candidates would therefore have to give their religious affiliation when they registered. The CEC decided, however, not to disclose this affiliation and not to print it on the ballot paper. Even though the law does not state explicitly that the affiliation should be printed it could hardly be seen to be against the law to do so. As it now happened the voters were deprived of important information when they cast their vote. If quotas are maintained, such information should be made available on the ballots in the future.

11.5 Voting by Security Personnel

During the Presidential elections in January 2005 the voting of the security personnel created a great controversy which forced the CEC to open for voting from any polling station at the end of the election day. In order to avoid the same this time early voting was organised for the security forces but again the arrangements created a big controversy between the CEC the Ministry of Interior and the President.

The election law does not allow voting apart from on election day. The Ministry of Interior put the CEC under pressure to open for early voting before election day to allow members of the security forces to concentrate fully on their security tasks on election day. On 10 December 2005 the President issued a decree amending Article 73 of the law allowing for early voting by the security forces. The decree stated: "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."

¹³⁶ Ghassanil Shaka and Jamil Tarifi both running in Nablus were not expelled.

The CEC presented such mechanism and set 23 January as the early voting day. The Cabinet and the Ministry of Interior then claimed that one day was too short for the security forces to vote because it would leave a gap in the security cover if all had to vote on the same day.

On 3 January 2006, the President issued another amendment to Article 73, this time allowing for early voting throughout three days prior to the election day. The CEC accepted this but insisted on selecting voting places outside the barracks and camps in accordance with the procedures submitted to the Council of Ministers for approval earlier. The Council of Ministers did not accept the CEC mechanisms and issued their own regulations for early voting which would allow the security forces to vote within their bases. This was totally unacceptable to the CEC who in a letter to the President on 4 January resigned from their positions. In the letter they stated:

” ...this procedure, although it was accepted by all factions and forces, and despite the fact that it corresponds with the law and the Commission’s procedures, was not accepted by the Ministry of Interior nor the Council of Ministers, that issued the early voting system of the security forces, and introduced changes on the proposal submitted by the Commission, in such a way that the new procedures stated that the security forces shall vote in their duty stations.

The Commission sees that the system issued by the Council of Ministers does not abide by the Elections law, or the Presidential Decree issued on 3 January 2006, and it doesn’t correspond with the criteria of freedom and transparency of elections.”

The situation was resolved and the CEC members continued. The President issued a resolution on 19 January stating: “The polling process shall be conducted pursuant to the same regulations and procedures applied on polling day assigned in the presidential decree.”

The early voting started on 21 January. 58,708 security force members had registered and the voting took place in regular voting centres (such as schools) with full access for party agents and observers. Those registered to vote early had been removed from the regular lists and would therefore *only* be able to vote before election day.

One additional point was that the voters lists used for the early voting were not available for public scrutiny as other voting lists. Security reasons were given as explanation. Hamas protested and was told that the list would not be made public because of the sensitivity of some names and the Israeli surveillance. Hamas’ position is that the early voting was unnecessary and should be abolished for future elections.

11.6 The Overall Assessment of the Elections Process

The elections were observed by domestic and international organisations. Among the international organisations, the EU¹³⁷, NDI and the Carter Center¹³⁸ and the Canadians had substantive teams, with the EU having the most significant mission. There were different flavours to the assessments of the electoral process, but the following quote from the preliminary statement of the EU Election Observation Mission summarises some main findings of the international observers:

“Open and well-run parliamentary elections strengthen Palestinian commitment to democratic institutions

- The 25 January elections to the Palestinian Legislative Council (PLC) have so far marked another important milestone in the building of democratic institutions. These elections saw impressive voter participation in an open and fairly-contested electoral process that was efficiently administered by a professional and independent Palestinian Central Elections Commission (CEC).
- As with the 2005 presidential election, the Palestinian people have demonstrated an overwhelming commitment to determine their political future via democratic means, in spite of the uncertain conditions in which the elections took place: a background of delay, unacceptable levels of precampaign violence and an occupation that placed restrictions on the exercise of fundamental freedoms related to elections.
- Voting on 25 January proceeded smoothly and peacefully with an impressive turnout of 77 per cent of the total number of registered voters. Procedures were well-followed by CEC polling staff and domestic observers and candidate representatives were present in almost all polling stations. The procedures for counting were similarly well-run. Campaigning was seen to take place both inside and outside of many polling stations, often vigorously and in contravention of the law. There were numerous shortcomings with the voting arrangements in East Jerusalem.
- The CEC commands a high degree of public confidence. It maintained integrity in the face of intimidation, including attacks on its buildings and threats against staff, that sought to influence the candidate registration process. These attempts to pressure the election administration, all of which have gone unpunished, reflect a culture of impunity for militant groups that the Palestinian leadership must demonstrate more determination to end.
- Candidates from across the whole political spectrum participated in the elections. The campaign took place in a generally calm and positive atmosphere, with an absence of provocative rhetoric. However, restrictions by Israeli forces on the freedom of movement by candidates and voters reduced the scope for genuinely free elections. Arbitrary restrictions on campaigning and the free-

¹³⁷ The EU observation mission was headed by Ms. Véronique De Keyser from Belgium, Member of the European Parliament.

¹³⁸ The NDI and Carter Center delegation was headed by former United States President Jimmy Carter, former Albanian President Rexhep Meidani, former Swedish Prime Minister Carl Bildt and former Spanish Foreign Minister Ana Palacio.

dom of assembly by candidates in East Jerusalem led to a number of arrests and prevented a proper campaign from taking place in the city.

- The instability and inter-factional violence which at times threatened to prevent the holding of elections, especially in Gaza, were unacceptable and have no place in a democratic process. In addition, threats made against international observers limited the levels of deployment that could be undertaken. However, the security situation improved during the two weeks ahead of election day.
- Despite established precedent and agreement that there is a right to vote by Palestinians resident in East Jerusalem, delays by the Israeli authorities in deciding whether voting would be allowed to take place within the city led to uncertainty which affected the whole election process. Although the decision to allow voting was welcome, it came very late and – as with earlier elections – electoral arrangements failed to provide reasonable, equal or proper conditions for voters from East Jerusalem.
- The provision for early voting by members of the Palestinian security forces reflected efforts to ensure greater stability on election day. However, repeated attempts by the Ministry of Interior and other Palestinian Authority (PA) institutions to change these voting arrangements represented an inappropriate level of political interference in the election administration. The early voting itself generally went well but with concerns related to transparency.”

NDI and the Carter Centre had a joint mission. Their preliminary statement had the following summary:

”Under the difficult circumstances of the ongoing conflict and occupation, Palestinian voters turned out in large numbers in a strong expression of their desire to choose representatives through open and competitive elections. The obvious pride and enthusiasm of Palestinians about the election process was evident throughout the voting districts. This was reinforced by the professional and impartial performance of election officials. Through the high turnout in these elections and in the 2005 presidential election, as well as the notable participation in five rounds of municipal elections over the last year, Palestinians have clearly demonstrated a commitment to democratic elections. It is now up to the elected leaders and representatives to construct genuinely democratic institutions and processes that will bring the peace and prosperity that the Palestinian people deserve, within a free and independent state.

The January 25 elections can be an important step on the road to greater democracy for the Palestinian people. They present a unique challenge in that they included a group that advocated the use of violence as a means of achieving a political end and refuse to give up arms. Also, it has been committed to the destruction of a United Nations member state. It is universally accepted that democratic elections and democratic governance are about employing peaceful means to achieve political goals. We hope that the elections will mark

a decisive move toward the renunciation of violence by all groups and toward addressing corruption and other issues that are central to improving the lives of Palestinians. The elections were characterized by the following positive developments.

- Within the bounds of an occupied territory, the legal framework for the elections generally compared favorably to international standards.
- The adoption of a voluntary code of conduct by all political parties set an important precedent, though not all points were consistently implemented.
- The Central Election Commission (CEC) operated with a high level of confidence among the political contestants and the Palestinian population.
- The election campaign proceeded relatively peacefully and allowed voters to obtain abundant information about the contestants.
- Except for restraints in East Jerusalem, the election process was open and highly competitive.
- Election day was generally peaceful, and the elections thus far appear to be well administered under the difficult circumstances of ongoing conflict and occupation.
- A large number of Palestinians turned out to vote and were able to exercise their franchise without major difficulties. Voting procedures for illiterate persons generally curbed problems noted in prior elections.
- Israeli authorities generally eased travel through checkpoints to facilitate freedom of movement for election day processes.
- A significant number of political party and candidate agents and a significant number of nonpartisan Palestinian election observers were present in the polls, providing transparency to the process and helping to ensure its integrity.
- Women played a large role in the election process as election officials, party and candidate agents and nonpartisan observers. The legal framework required 20 percent of the names on the party lists for proportional representation seats be women, though few women appeared as candidates for district-based majoritarian seats.

The elections, however, were not without problems, including the following developments.

- Arrangements for voting in East Jerusalem were agreed to late in the process by Israeli authorities, while possibilities for voting in their neighborhoods remained inadequate for Palestinian voters in East Jerusalem. Conditions in East Jerusalem post offices did not provide voting privacy, as voters marked ballots on counters in view of postal workers.
- Campaigning by virtually all parties and many independent candidates was widespread on election day in violation of the election law, and, though in most instances such campaigning was peaceful, it contributed to tensions and scattered incidents of violence, particularly in Gaza and some localities in the Hebron governorate (Beit Awwa and Ash Shuyuk).
- Though freedom of movement was generally unobstructed on election day, there were numerous confirmed reports that political candidates, campaign workers and election workers were unable to move satisfactorily through checkpoints during the campaign period that began on January 3.
- While parties and candidates were able to get out their messages, and they received free access to public media through regulated spots, news coverage documented by professional Palestinian and international media monitors noted significant bias, and paid political advertisements were not offered at the same price to all candidates by certain media outlets.
- There were credible reports of use of Palestinian Authority resources for the benefit of Fateh candidates and numerous reports of campaigning in many mosques on behalf of Islamic Resistance Movement (Hamas) candidates.”

The international observation missions hesitated to comment on the effects of the parallel system. Clearly a parallel system is as such not against international standards. The block vote component of the system is, however, a winner-takes-all system which is unusual in multi-party elections to a legislature and the international community should be able to state that clearly.

11.7 Freedom of Movement

General freedom of movement well ahead of the elections would have been needed in order to provide a ‘free’ election. The elections were held in 16 constituencies with local candidates in addition to territory-wide lists. Gathering support for candidates, forming local alliances and arranging discussion of the candidates will necessitate freedom of movement. Unfortunately the freedom of movement during these elections were again limited to the candidates (with exceptions in particular for Jerusalem) , the administrators and the voters on election day and did not include the important process of building alliances, forming candidate lists and proposing candidates for the public at large.

11.8 Publication of Results

Similar to the situation during the Presidential elections partial results were not published in an effective manner. This time the reason was different from the year before: When the results started to be processed and they showed clearly that Hamas would win the elections there was a fear that this information could lead to riots and attacks by supporters of the losing party on polling stations still counting. This decision was well founded at that point in time.

For future elections one would hope that security considerations would not directly influence the voting and counting procedures. The transparency of the process is clearly enhanced by immediate publication of results once the polling station protocols are received. If these can be transferred to the media electronically it would be the responsibility of the media to make their own interpretations and predictions.

When partial results are published it should be made clear to all parties that they have not been verified and that later scrutiny may change the results by detection and correction of errors. Such changes which can easily be explained are generally more acceptable than a delayed publication which may lead to all kinds of speculations of the reasons for the delay and to what is happening behind closed doors.

11.9 Results Analysis

The elections were won by Hamas. Out of the 66 constituency seats they won 45 and out of the 66 List PR seats they won 29. In the list race Hamas won 44.5% of the votes which indicates their support as a party on election day but they won 56% of the total number seats in the PLC.

We have already discussed the features of the block vote system which constituted half of the parallel system, see Section 4. We have also argued that a truly mixed (MMP) system would have served the interests of the parties represented in the previous PLC better (and give a fairer result), but the Fatah members of the PLC did not want to discuss such an alternative. The table below shows the overall results of the election and the results if the mixed system had been implemented.

Political affiliation	No. of seats in the districts	% of List PR votes	No. of List PR seats	Total No. of seats	If the system had been the truly Mixed System (MMP)
Change and Reform (Hamas)	45	44.5	29	74	58
Fatah Movement	17	41.4	28	45	54
Martyr Abu Ali Mustafa (PFLP)	0	4.3	3	3	5
The Third Way	0	2.4	2	2	4
The Alternative	0	2.9	2	2	4
Independent Palestine	0	2.7	2	2	3
Independents	4	-	0	4	4
Total	66	98.2	66	132	132

Table 11.1 The distribution of mandates after the 2006 PLC elections, and the distribution if the PLC had adopted the mixed system (MMP) instead.

The main problem with the system of representation in the Palestinian Territory is the block vote part of the election. The disadvantages would, however, have been reduced if a mixed system had been implemented.

If we look further into the district election results one may note:

- Fatah won the seat in Jericho which is a single member constituency and the election is therefore not according to block vote (which is per definition a system for multi-member constituencies). One may argue that Jericho is a constituency made for a specific purpose and the prominent candidate there was one of the strongest opponents to any change of the system of representation and to making the constituencies more equal in size.
- Fatah won two seats in Jerusalem reserved for Christians. Hamas did not nominate candidates to compete for these seats.
- Fatah won the Christian seat in Ramallah. Hamas did not nominate a candidate to compete for this seat.
- Fatah won the two seats reserved for Christians in Bethlehem. Hamas did not have candidates competing for these seats.

In the three constituencies where Fatah took the Christian seats Hamas ran with candidates only for the general seats and they got all their candidates elected there. Without the Christian reserved seats it is likely that Hamas would have won another five seats from the constituencies.

The four independent candidates winning seats were elected in constituencies where Hamas had proposed fewer candidates than there were seats. One was in Tulkarem where Hamas had supported the independent candidate elected and the three other were in Gaza city where also all the Hamas candidates got elected. It is reasonable to conclude, therefore, that the constituency election gave Hamas 49 seats and Fatah 13 seats, plus the four Christian Fatah seats which would not have been won by Fatah had there not been quotas.

Hamas got all their candidates elected in ten out of the sixteen constituencies¹³⁹ and Fatah took all seats in three. Both Hamas and Fatah won seats in only three constituencies¹⁴⁰ where they both competed on equal terms with their own candidates.

The details of the results follow in the Appendices 4 to 8.

In the proportional race the lists had to include female candidates at prominent places, see Section 5.4. It was expected that the list requirement would produce at least 20% representation of women among the list half of the PLC, which would mean at least 10% all together. On the constituency elections there were no gender requirement.

On the proportional side of the election the quotas produced an expected result. Out of the 66 seats elected from lists 17 seats or 25.8% were filled by females. However, none of the constituency seats were won by women, which brought the representation down to 12.9%.

List	The List Race			The constituency race		Total % females
	Seats	Female	% females	Seats	Female	
Change and Reform (Hamas)	29	6	20.7	45	0	8,1
Fatah Movement	28	8	28.6	17	0	17.8
Martyr Abu Ali Mustafa	3	1	33.3	0	0	33.3
The Alternative (Dem Front, PPP, Fida)	2		0.0	0	0	0.0
Independent Palestine	2	1	50.0	0	0	50.0
The Third Way	2	1	50.0	0	0	50.0
Independents				4	0	0.0
Total	66	17	25.8	66	0	12.9

Table 11.2. The women's representation in the 2006 PLC elections.

Out of a total of 414 candidates running in the constituencies only 15 were women. Out of the 15, 11 were independents. Fatah nominated only two women in the constituencies and Hamas none. On the lists most parties nominated only the minimum number of women or slightly above the minimum. From the Hamas list the number of women elected was according to the minimum. Fatah got eight women elected against the minimum requirement of six. Both Independent Palestine and the Third Way had a woman as number two, which was one position better than the minimum requirement. Martyr Abu Ali Mustafa and the Third Way had generally more women on their lists than required.

¹³⁹ Including the three constituencies (Jerusalem, Bethlehem and Ramallah) where Fatah won only because of the Christian quota and one (Nablus) where Hamas fell short of nominating one candidate. In Nablus Hamas did support an independent candidate who did not get elected; a seat won by Fatah.

¹⁴⁰ Jenin, Nablus (where Hamas did not propose full list, but where they supported a Turkoman candidate who did not get elected), Deir al-Balah and Khan Yunis.

In 1996 five out of 88 seats were filled by women, which was 5.7%. One would therefore be able to state that the quota helped increase the number of women in PLC. On the other hand in 1996 there were no quotas and the election was held in constituencies only. This time the constituency race did not bring any women to the PLC. That is a disappointing and somewhat puzzling result.

11.10 Polling Centres, Polling Stations and Election Observation

The voting took place in voting centres, each centre containing one or more polling stations. All together there were 1,008 voting centres, 754 on the West Bank and 254 in Gaza. The centres contained in total 2,721 polling stations, 1,733 on the West Bank and 988 in Gaza.

The CEC accredited 254 local observation bodies with a total of 17,268 observers and 30 international observation bodies with a total of 343 observers.

11.11 Exit Polls

Two organisations performed exit polls on election day. In the evening the Palestinian Center for Policy and Survey Research (PSR) published their result which underestimated the support given to Hamas in the elections. It is possible that some voters did not want to be honest about their voting when the secrecy was not fully guaranteed and that they therefore simply gave the incorrect answer to what they had voted.

12. The Announced Referendum on the Prisoners' Document

12.1 Background

The spring of 2006 was extremely difficult for the Palestinian authorities. The new Hamas government were boycotted by not only Israel and the US but even the EU did not accept having contact with the government unless it recognised the state of Israel. The relationship between the President and the government was tense and President Mahmoud Abbas tried to find ways where the government would explicitly accept and honour the agreements entered into by PLO and Israel.

In this situation, prominent imprisoned leaders of Hamas, Fatah, PFLP, DFLP, and Islamic Jihad, the latter with reservations though, drew up a set of policy proposals for national reconciliation (see Appendix 5) on 11 May 2006. The document pointed out the way ahead, including the establishment of a national conciliation government and the inclusion of Hamas into PLO. This was seen by President Abbas as a means of moving the fronts towards a new start for negotiations with Israel and cooperation with the rest of the world.

On 25 May, the president proposed conducting a referendum on support of the "National Conciliation Document of the Prisoners" (hereafter, Prisoners' Document),

On 10 June 2006 the President issued a decree defining the structure of the referendum including:

- The wording of the ballot,
- Tasking the CEC with the vote administration,
- Defining the right to vote
- Calling up the general election law for other issues relevant to the vote.

On 27 June an agreement was reached between the all involved fractions, including the President and the government on an amendment to the 'Prisoners' document'. At the same time the massive Israeli military incursion into Gaza in June made a referendum impossible to hold. Even though the decret was not withdrawn a referendum also seemed unnecessary after the agreement had been reached.

12.2 Referenda in a Palestinian Context

The decree issued by the President does not have the status of a law. The Basic Law states clearly:

“Article (43)

The President of the National Authority shall have the right in exceptional cases, which cannot be delayed, and while the Legislative Council is not in session, to issue decisions and decrees that have the power of law. However, the decisions issued shall be presented to the Legislative Council in the first session convened after their issuance, otherwise they will cease to have the power of law. If these decisions were presented as mentioned above, but were not approved, then they shall cease to have the power of law.”

This means that the decree from the president is more like an instruction than a law.

There is no predefined law on referenda in Palestine and the Basic Law does not mention referenda. Hamas has stated that because of that the referendum is illegal.

The legal situation is similar to that of a number of countries where *ad hoc* referenda have been called for in particular circumstances. In such cases it is normally (but not always) the Parliament who asks for advice and they would pass a law covering the specific referendum. In the case of Palestine it is the President who has issued an instruction on the referendum.

It seems reasonable to assume that the President may ask the people for advice. People's advice would be directed not only to the President but also to the PLC and the government. This is discussed below.

However, the President would not in his capacity have all the means that are needed to carry out the referendum such as budget and infrastructure and is therefore dependent on other actors to carry out the decision. That means that the funding could not come from public budgets unless the PLC gives its consent, security and schools could not be made available unless the government agrees and election offences may not be considered as crimes since the decree is not a law. In addition it is not obvious that the CEC could be instructed to organise the referendum.

The reservations mentioned above makes the referendum less than ideal. However, when people are being asked on the basis of an instruction from the President one should in particular pay attention to the following issues:

The funding

The executive power of democracies would normally not have funds to its disposal other than those moneys allocated by the legislature. The Palestinian election law anticipates that the CEC gets its funding as a separate post in the state budget. Currently, the situation in Palestine is more complicated, in particular after the freeze of funds from the international donors to the PLC and the Government. Previous elections have been funded directly by foreign donors. This is a condition for holding the referendum as well and the money is not coming from funds which would otherwise be given to the PLC. Therefore, in a way, the PLC's authority is not bypassed in this case.

Government infrastructure

A successful referendum is dependent on the Ministry of Education to provide schools as sites for the polling centres and to recruit teachers as polling staff. With time and money alternative sites and staff could possibly be organised but neither are available.

In addition security on referendum day must be provided by the Minister of Interior. If advance voting of the security staff is made available the ministry will also have to give lists of names for such staff well in advance.

The CEC District offices are supposed to allocate place for posters and rallies and publish a list of such venues. This requires cooperation with central and local authorities.

There are no indications that the ministries will not respond positively to the requests already made for their support, but the actual responses have not been given yet.

The role of the CEC

The Decree tasks the CEC with the management of the referendum. Doubts have been raised whether the President has the powers to instruct CEC to conduct the referendum without the legal basis of a law. The President has appointed the members of CEC but the institution is established by regulations in the general and local election laws.

One may argue that the President could not oblige CEC to organise the referendum but one may also argue that CEC can choose to do so, and that is what CEC has done.

Electoral Crimes

Article 102 of the Election Law defines electoral crimes and punishments. It is not obvious that the regular courts would have sufficient basis for sentencing anybody for violating this article since the decree does not have the status of a law.

12.3 Some Comments on Referenda

People's advice should be followed

Palestine does not have a pre-regulated legal framework for referenda. Without that or an *ad hoc* law the referendum can not be binding (decisive).

It is normally not seen to be good practice for authorities to ask the people for advice and then later not follow the advice given. However, this would necessitate that all state bodies involved in the implementation of the result would give a prior commitment to follow the voters' advice. This is not the case for the referendum called for in Palestine. It is the President asking for advice and it is a number of bodies including the PLC and the government who would need to implement the result.

Since the majority of the PLC and the government are against the referendum it is not expected that they would commit themselves to follow the advice of the voters. The discussions about the pass criteria are therefore somewhat artificial. The result is mainly a strong opinion expressed by the voters, and the higher the turnout for any of the two alternatives, the stronger is the advice.

Clear alternatives

The ballot in a referendum should have clear alternatives and there should be no doubt about what the alternatives involves. On the one hand, the ballot in this case is clear in the sense that there is one simple 'yes' or 'no' question. On the other hand, the document which the voters are invited to support or reject is fairly complicated consisting of 18 points, some of them with a complex content. Even among the signatories, one person has made reservations to part of the content.

This represents a challenge to the voter education and to the parties supporting either of the two alternatives. It is also part of the reasons given by Hamas for why they are against the referendum. It is not on one particular issue but on a set of issues where a voter may partly agree and partly disagree.

Neutral question

According to the decree the voters are invited to make the following choice:

“Do you agree to the National Conciliation Document ‘Prisoners’ Document’?
The answer must be either Yes or No.”

This is as simple as the question can be. One may argue that the name of the document is already biased in having a very positive flavour, but it is the name of a document which has been under debate in the public since mid May and one could hardly use another name for it.

The consequence of the result should be clear

This is the point where this referendum will differ most from a regular referendum. Since referenda are not pre-regulated, the situations where the President, part of the PLC, or a number of voters can demand a referendum to be held, are not defined. In some countries that use referenda more frequently such situations may be defined and often the referendum would then be binding. If people are invited to take part in an advisory referendum it would normally be the state body in charge of a decision which decides on the referendum and the same body would announce in advance that they will respect the advice. Formally speaking the decision would still be taken by representative bodies but the voters would know that their opinion will be respected.

In the case of the Palestinian referendum the PLC and the Government have not committed themselves to implementing the results. On the contrary, they have stated that they are against holding the referendum. Therefore the voters are not invited to take a decision on a matter, but to give an advice where there is no guarantee that the advice will be respected. If this situation prevails up to the referendum it is important that voters understand that there is no easy way from a ‘yes’ vote to the implementation of the elements of the document.

12.4 Future Referenda

Referenda may be means of strengthening the Palestinian democracy. The Prisoners’ Document anticipates that a referendum may be one way of ratifying a future agreement with Israel. Shall referenda be such a tool it needs a formal status in the Territory. *Ad hoc* referenda may be held provided they are regulated by a PLC *ad hoc* law. If the executive shall be given the right – under certain circumstances – to call for a referendum without the consent of the PLC such a right should be based upon a law in the case of advisory referenda and by the Basic law if a referendum is made binding even for the PLC.

Legal provisions for referenda should be worked into the law on presidential and PLC elections (and local elections when that law is incorporated into one single election law).

13. Recommendations for the Future

In the previous sections we have not only given an overview of the electoral events but also offered comments and recommendations. This section will summarise the most important suggestions we have for future improvements.

13.1 Elections under Occupation

The international community should maintain a pressure on Israeli authorities to allow proper voter registration in East Jerusalem and adequate voting arrangements there, and to lift the restrictions of movements in all the territories well ahead on any future elections should they still have to be organised under occupation.

13.2 Systems of Representation

The PLC

When deciding on a system of representation one should first set up the criteria which the system should meet and then try to find a system which is closest to the requirements. The choice of systems will have a huge effect on the results and the choice is therefore highly political. The tendency – not only in the Palestinian Territory – is often that short sighted opportunistic views have been more important to the political parties than the more objective requirements to a fair system. This does not mean that we should give up in the effort to encourage a more objective process. In the end every political party and stakeholder should make the acid test: Would I and my party find the system to be fair even if my party should lose an election?

The criteria often mentioned explicitly or implicitly in Palestine include:

- i. The system should produce a representative result in terms of political factions. Many stakeholders have argued that the system should eventually be proportional
- ii. The voters should have an influence on the choice of actual persons being elected, not only parties, and the choice of persons should not be left with the parties alone.

- iii. There should be a reasonable geographical representation. To some this has been less important and it is even argued that it is more honourable to be elected from territory-wide lists than from a constituency. Influence from Israel is probably a factor. However, few would agree that there should not be guaranteed representation from Gaza and the West Bank and the effort to reduce the number of constituencies has failed.
- iv. There should be provisions for securing a minimum women's representation.
- v. Christian quotas should be accommodated.
- vi. The system should be reasonably simple for the voters to understand.

There are other criteria as well but these are probably the most important. The current system fails in particular to meet the first criterion with the overwhelming winner-takes-all block vote system. In addition, the Christian quotas are not well integrated into the system because the quotas easily change the political distribution of seats. Women's quotas are only implemented in the list proportional election (half the membership of the PLC).

In the following we will discuss a few alternative systems against the criteria mentioned above.

System A: Closed List PR in a territory-wide election.

This is the Israeli System. It is very good on criterion i), iv), v) and vi) but it fails ii) and iii). Only a few geographically small countries use the system.

System B: Open List PR in a territory-wide election.

This system would mean that the voters could also give individual votes to candidates within the lists and therefore be better on criterion ii). Open lists can be implemented in a number of ways but the most common is to allow the voter to cast one or more votes to candidates within the list of choice. If the voter has selected the list of Fatah, the voter will be able to influence which Fatah candidates should fill the seats won by that party.

With only one territory-wide list for each party the lists will be long and the chance for the voters to know the candidates may be low. Therefore the system would become rather complicated for the voters with huge ballot papers and many names and options (criterion vi).

System C: Open List PR in multi-member constituencies.

This is a common system used in many countries. It meets most of the criteria

listed to a large degree. Parties would nominate lists in each constituency and the voters would be able to choose among candidates on the lists. The lists will not be longer than the number of seats in each constituency, which could be around ten.

When the results are added up to territory level, the result would not be fully proportional but in most cases much more proportional than under the current system.

Both female quotas and quotas for Christians can easily be worked into this system *without changing the political distribution of seats in the PLC.*

System D: Open List PR in multi-member constituencies with nationwide compensation.

The main addition to system C is that only for example 70% of the seats are distributed directly from the constituencies and the rest are distributed according to the territory-wide results as so-called compensatory seats. The result from such an election, which is used in many countries, would be as close to proportional as the distribution method is able to give.

System E: Mixed Member Proportional (MMP) system.

This is the truly mixed system as opposed to the parallel system now being used. In most countries it is combining single member constituencies with a list proportional race. It is, however, possible to combine it with multi-member constituencies but that is far from ideal. The territory-wide affects of the block vote system may be corrected by the correct implementation of the mixed system but locally the block vote system will still have the negative affect on the local representation as it has had generally for the territory now. It is therefore recommended that a mixed system is based up single member constituencies, which in turn will be a challenge to the election authorities when defining them.

The mixed system will from the voters' point of view be similar to the current parallel system with a ballot containing individual candidates as well as parties.

Quotas for women and for Christians should preferably be worked into the proportional race. The Christians would then not be geographically based (i.e. Christians from Bethlehem) and the justification for them may be reduced. If the mixed system is based upon multi-member constituencies (as the current parallel system) the affects of the quotas on the political distribution may be corrected by the compensation offered by the List PR race.

In the mixed system the List PR race is used to compensate for any disproportional distribution from the constituency race so that the full membership of the PLC is proportional to the overall results, not only half of it.

The Presidency

The current system is a simple first-past-the-post system. This means that a candidate may be elected by less than 50% of the votes. If a president has for example only 30% behind him or her, the authority may be reduced. It may even happen that a clear majority is actively opposed to the elected candidate. In most countries where the president has more than a purely ceremonial role, a majority system is being used. This can either be implemented by a two round system where the two top candidates proceed to a second round if no candidate wins more than 50% of the votes in the first round, or by the so-called alternative vote system where the voter gives preferences to the candidates on a single ballot and the second preferences are taken into account during the count if nobody wins at least 50% of the first preferences.

13.3 Common Law on Elections and Referenda

There is one law for elections to the PLC and the President and one for local elections. They have many similar elements but are not equal in all parts which could have been identical. One election law covering all political elections would be of great benefit in terms of understanding, maintenance and administration. If referenda are institutionalised the common law should even include that.

13.4 Election Administration

The permanent independent Central Election Commission has been a great advantage to the political process in Palestine. It is vital that the institution is preserved. The commission may be given a more active role in election reform and in drafting new election legislation, such as the proposals discussed in this report. If such a task is taken up (and to some extent the CEC has already been involved in changes to the laws) it is important that the neutrality of the commission is preserved. In particular on issues related to the system of representation the CEC needs to take a role of providing information and analysis but not in taking a stand on one particular system.

Both election laws state that election regulations are proposed by the CEC but adopted by the Council of Ministers. This should be changed. Either the PLC should include details in the laws or they should leave it with the independent CEC to decide on them. They should not leave them with the political executive. Election regulations are about the rules of the game and are therefore different from detailed regulations otherwise left with the government to decide on.

13.5 Parties

The registration of lists for the list race for the PLC elections followed two different laws and ruled pragmatically drawn up by the CEC. The reason for the pragmatism was that the current law gives registered parties a right to nominate candidate lists without having to collect signatures of support when there is no provisions in current laws for registering such parties. The purpose of having formal criteria for registering parties are mainly to avoid parties with no chance in the elections at all to propose lists. Such lists will blow up the size of the ballot and make the choice more complicated for the voters without enriching the democracy.

The easiest way out of this situation and at the same time creating a level playing field would be to remove the reference to registered parties and allow parties (or group of voters) to register candidate list if they either:

- In elections have proven support by winning seats (say in at least one of the last two elections), or
- Having collected a required number of signatures of support immediately before the nomination.

In addition the formal requirements of having a board, an address, etc would have to be fulfilled.

If a parallel system is maintained one may consider allowing a party meeting the requirements for proposing lists to nominate constituency candidates as well, without extra signatures. This would encourage organisation in parties which would create a political environment with clearer alternatives. At the same time outstanding individuals would still have a fair chance to be nominated and then elected.

In future elections Christian candidates should be marked on the ballot wherever there is a Christian quota.

13.6 Referenda

If the political actors want to introduce referenda as a regular manner of deciding on issues of importance the legal regulations should be worked out. For binding referenda a change of the basic law is probably needed. Questions to be regulated would include:

- The questions which may be subject to referenda
- In what situations the referendum may be binding or just advisory,
- Who can call for a referendum, a civil initiative, a group of members of the PLC, the President, etc?

13.7 Partial Results

A system for publishing partial results should be established. The media should be responsible for the interpretation of such results and for making prediction for the full results based upon early partial results.¹⁴¹

13.8 Rules for Quotas in Municipal Elections

The local election law has requirements for women in the councils and for some of the councils, even for a division in terms of confession. The confessional requirements may be reconsidered to be transferred into more moderate minimum quotas and not as big quotas as in some of the current councils. In addition the rules for applying the quotas need to be redrafted into a consistent set of rules.

13.9 Updating the Voters Registers

The voter register is now established and it is being maintained at a regular basis, with registration drives planned for at least once per year. One may want to consider to commission local authorities to receive changes and new registrations as a continuous activity provided the CEC stays in full control of the process and the physical update of the voter registers.

13.10 The Regulations of the District Election Offices

The election law (on PLC and the president) states in Article 26:

“Formation of the Electoral District Offices

1. The Central Elections Commission shall form the Electoral District Offices by a two thirds majority of its members in each of the relevant districts in accordance with the provisions of this law.
2. The Electoral District Offices shall be constituted of at least five members.
3. The Central Elections Commission shall set the prerequisites that the commission chairperson and members have to meet.
4. The Central Elections Commission, in its decision referred to in paragraph (1) above, shall appoint a chairperson and a secretary general for each district office.
5. If there is a vacancy for the membership in the district office, then vacant positions shall be filled in the same way that was detailed in the previous paragraphs.”

¹⁴¹ The international community may consider supporting a project assisting the media in making good prediction models.

Since the District Election Offices are administrative bodies rather than commissions the legal provisions seem to be far too detailed. It would be more consistent to leave the procedures for formation of the offices to the CEC to decide on.

Appendix 1

The casualties in the Palestinian – Israeli conflict from October 2000 to June 2006

	Palestinians	Israelis
Killed	3,500 – 3,900	700 – 1,000
Injured	23,000 – 30,000	6,850 – 7,630 ¹⁴²

Among the killed in the period: Approximately 710 Palestinian children under the age of 18 killed by Israeli security forces and approximately 120 Israeli children killed by Palestinians. Approximately 200 Palestinians were extra-judicially killed by Israel.

The number of casualties varies depending on the sources. Low and high estimates are given, based on statistics available on the Internet from The Israeli Information Center for Human Rights in the Occupied Territories (B'tselem), The Palestinian Centre for Human Rights (PCHR), The Palestine Red Crescent Society (PRCS), The Israeli Foreign Ministry (IFM), Israeli Defense Forces (IDF) and The United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory (OCHA). It is impossible to compare all the different statistical data accurately because they have been calculated differently and for varying periods.

¹⁴² Includes soldiers until January 2006. Source: IDF.

Appendix 2

List of electoral laws being referred to in the report

Law Number	Name	Comment (not comprehensive)	Date of passing by the PLC	Date of signature by the President
Basic law:				
	The Basic Law	First version	2 October 1997	29 May 2002
	The Basic Law - amendment	Introducing prime minister		March 2003
	The Basic Law - amendment	Adjusting to fit new election law		August 2005
General elections:				
No 13 ¹⁴³ 1995'	Palestinian Election Law	First election law on the election of the Palestinian Council (PLC) and the President	Decree by the president only	7 December 1995
No 16, 1995	Palestinian Election Law - amendment	Changing the number of seats in the PLC from 83 to 88 and amending some dates.	Decree by the president only	29 December 1995
No 4, 2004	Palestinian Election Law - amendment	Adjustments needed for the 2005 presidential elections	December 2004	December 2004
No 9, 2005	Law on the Elections of PLC and the President	The new election law, replacing the 1995 law with amendments.	18 June 2005	13 August 2005
Local elections:				
No 5, 1996	Law on Local Elections	First local election law	1996	16 December 1996
No 5, 2004	Law on Local Elections - amendment	The HCLE to be in charge only for one year, after which CEC takes over, women's quota two seats, indirect mayor election	21 October 2004	December 2004
No 10 2005	Law on the Election of Local Councils. Formally an amendment of Law No 5 1996, but it is a full re-write.	Introduced List PR, women's quotas on lists, threshold 10%. The HCLE to be in charge till the end of December 2005 at the latest.	13 August 2005	15 August 2005
No ? ¹⁴⁴ 2005'	Law on the Election of Local Councils - amendments to Law No 10 2005.	Reduced women's quota, threshold on lists 8%. Christians by presidential decree	27 August 2005	September 2005

¹⁴³ This law has been published with the number 15, but 13 is correct.

¹⁴⁴ In the CEC publication of Law No 10 2005 these changes have been incorporated and it is not referred to as a separate law.

Appendix 3

From Annex II to the Israeli- Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995

ARTICLE VI

Election Arrangements Concerning Jerusalem

1. Election Campaigning

A subcommittee of the CAC shall be established comprising representatives of the CEC and Israel, to coordinate issues relating to election campaigning in Jerusalem. Candidates conducting campaign activities in Jerusalem shall apply for the necessary permits through the CEC. The CEC shall obtain the necessary permits from the Israeli side in the CAC subcommittee. In addition, the CEC may disqualify candidates whose election campaigning in Jerusalem fails to comply with the provisions of the Palestinian Election Law and this Agreement.

2. Polling Arrangements

a. Location

A number of Palestinians of Jerusalem will vote in the elections through services rendered in post offices in Jerusalem, in accordance with the capacity of such post offices.

The relevant post offices for the purposes of these arrangements shall be:

1. Salah-a-din post office;
2. Jaffa Gate post office;
3. Shuafat post office;
4. Beit Hanina post office; and
5. Mount of Olives post office.

b. International Observation

International observers will be present in the above post offices on the day of the elections.

1. Those Palestinians of Jerusalem who will vote in the elections through post offices in Jerusalem shall be notified of the relevant post office by Electoral Registration card provided by the CEC (hereinafter “the electors”).
2. On arrival at the post office, electors shall identify themselves to the relevant postal personnel (hereinafter “the personnel”) and present their Electoral Registration card.
3. The personnel shall provide the electors with the following:
 - a. two ballot papers, one for the election of the Ra’ees, and one for the election to the Council; and
 - b. two envelopes addressed to the DEO.
4. The electors shall mark the ballot papers at the post office counter, then place them in the envelopes to be inserted in receptacles, the size and shape of which shall be agreed between the two sides.
5. At the end of the day, the receptacles shall be promptly delivered to the office of the relevant DEO. Such delivery shall be open to international observers. These receptacles shall be sealed prior to delivery.

The DEO shall be responsible for the counting and totalling of votes cast through the arrangements set out above as part of the total election count.

Appendix 4

The Cairo Declaration 17 March 2005¹⁴⁵

(1) Those gathered confirmed their adherence to Palestinian constants, without any neglect, and the right of the Palestinian people to resistance in order to end the occupation, establish a Palestinian state with full sovereignty with Jerusalem as its capital, and guaranteeing the right of return of refugees to their homes and properties.

(2) Those gathered agreed on a programme of action for the year 2005, centred on the continuation of the atmosphere of calm in return for Israel's adherence to stopping all forms of aggression against Palestinian people and land, no matter where they are, as well as the release of all prisoners and detainees.

(3) Those gathered confirmed that the continuation of settlement and the construction of the wall and the Judaisation of East Jerusalem are explosive issues.

(4) Those gathered explored the internal Palestinian situation and agreed on the necessity of completing total reform in all areas, of supporting the democratic process in its various aspects and of holding local and legislative elections at their determined time according to an election law to be agreed upon. The conference recommends to the Legislative Council that it take steps to amend the legislative elections law, relying on an equal division of seats in a mixed system, and it recommends that the law for elections of local councils be amended on the basis of proportional representation.

(5) Those gathered agreed to develop the Palestine Liberation Organisation (PLO) on bases that will be settled upon in order to include all the Palestinian powers and factions, as the organisation is the sole legitimate representative of the Palestinian people. To do this, it has been agreed upon to form a committee to define these bases, and the committee will be made up of the president of the National Council, the members of the PLO's Executive Committee, the secretary-generals of all Palestinian factions and independent national personalities. The president of the Executive Committee will convene this committee.

(6) Those gathered unanimously felt that dialogue is the sole means of interaction among all the factions, as a support to national unity and the unity of the Palestinian ranks. They were unanimous in forbidding the use of weapons in internal disputes, respecting the rights of the Palestinian citizen and refraining from violating them, and that continuing dialogue through the coming period is a basic necessity towards unifying our speech and preserving Palestinian rights.

17 March, 2005

(Signed by Fatah, Hamas and 11 other parties and groups)

¹⁴⁵ Published in Al-Ahram Weekly, 24-30 March 2005. This agreement cleared the ground for a long-term cessation of violence by Palestinian groups, notably Hamas, and for the participation of Hamas in the PLC elections.

Appendix 5

Full Text of the National Conciliation Document of the Prisoners (“Prisoners’ Document”), May 11, 2006¹⁴⁶

In the name of God, the Compassionate and the Merciful,
“Abide by the decree of God and never disperse” (a verse from the Holy Quran).

Based on the high sense of national and historical responsibility and due to the dangers facing our people and for the sake of reinforcing and consolidating the Palestinian internal front and protection of national unity and the unity of our people in the homeland and in the Diaspora, and in order to confront the Israeli scheme that aims to impose the Israeli solution which blows up the dream of our people and the right of our people in establishing their independent Palestinian state with full sovereignty; this scheme that the Israeli government intends to implement in the next phase as establishment of the erection and completion of the apartheid wall and the Judaization of the Jerusalem and the expansion of the Israeli settlements and the seizure of the Jordan Valley and the annexation of vast areas of the West Bank and blocking the path in front of our people to exercise their right in return.

In order to maintain the accomplishments of our people achieved in long struggle path and in loyalty to the martyrs of our great people and the pains of their prisoners and the agony of their injured, and based on the fact that we are still passing through a liberation phase with nationalism and democracy as the basic features, and this imposes a political struggle strategy that meets with these features and in order to make the Palestinian comprehensive national dialogue succeed, and based on the Cairo Declaration and the urgent need for unity and solidarity, we present this document (the national conciliation document) to our great steadfast people and to President Mahmoud Abbas Abu Mazen and to the PLO Leadership and to the PM Ismail Hanieh and to the Council of Ministers and to the Speaker of the PNC and to the members of the PNC and to the Speaker and members of the PLC and to all Palestinian forces and factions and to all nongovernmental and popular organizations and institutions and to leadership of Palestinian public opinion in the homeland and in the Diaspora.

Hoping to consider this document as one whole package and with the hope to see this document get the support and approval of everybody and that it can contribute to reach a Palestinian national conciliation document.

1- the Palestinian people in the homeland and in the Diaspora seek to liberate their land and to achieve their right in freedom, return and independence and to exercise their right in self determination, including the right to establish their in-

¹⁴⁶ Al-Quds newspaper 11 May 2005, This translation is taken from Jerusalem Media and Communication Centre <http://www.jmcc.org/documents/prisoners.htm>. Certain changes to this document was agreed upon 27 June sharpening some of the language but without changing the political substance of the original document. Ami Isseroff compares the two documents at his website <http://www.mideastweb.org>.

dependent state with al-Quds al-Shareef as its capital on all territories occupied in 1967 and to secure the right of return for the refugees and to liberate all prisoners and detainees based on the historical right of our people on the land of the fathers and grandfathers and based on the UN Charter and the international law and international legitimacy.

2- to work quickly on achieving what has been agreed upon in Cairo in March 2005 pertaining to the development and activation of the PLO and the joining of Hamas and Islamic Jihad Movements to the PLO which is the legitimate and sole representative of the Palestinian people wherever they are located and in a manner that meets with changes on the Palestinian arena according to democratic principles and to consolidate the fact that the PLO is the legitimate and sole representative of the Palestinian people in a manner that reinforces the capacity of the PLO to assume its responsibilities in leading our people in the homeland and in the Diaspora and in mobilizing the people and in defending their national, political and humanitarian rights in the various fora and circles and in the international and regional arenas and based on the fact that the national interest stipulates the formation of a new Palestinian National Council before the end of 2006 in a manner that secures the representation of all Palestinian national and Islamic forces, factions and parties and all concentrations of our people everywhere and the various sectors and the figures on proportional basis in representation and presence and struggle and political, social and popular effectiveness and to maintain the PLO as a broad front and framework and a comprehensive national coalition and a gathering framework for all the Palestinians in the homeland and in the Diaspora and to be the higher political reference.

3- the right of the Palestinian people in resistance and clinging to the option of resistance with the various means and focusing the resistance in the occupied territories of 1967 alongside with the political action and negotiations and diplomatic action and continuation of popular and mass resistance against the occupation in its various forms and policies and making sure there is broad participation by all sectors and masses in the popular resistance.

4- To set up a Palestinian plan towards comprehensive political action and to unify the Palestinian political rhetoric on the basis of the Palestinian national consensus program and Arab legitimacy and the international legitimacy resolutions that grant justice to the Palestinian people who are represented by the PLO and the PNA as president and government, and the national and Islamic factions and the civil society organizations and the public figures in order to mobilize Arab, Islamic and international political and financial and economic and humanitarian support and solidarity to our people and to our PNA and to support the right of our people in self determination and freedom and return and independence and to confront the plan of Israel in imposing the Israeli solution on our people and to confront the oppressive siege on the Palestinian people.

5- To protect and reinforce the PNA since it is the nucleus of the future state; this PNA which was established by the struggle and sacrifices, blood and pain of the Palestinian people and to stress on the fact the higher national interests stipulates respecting the temporary constitution of the PNA and the effective laws and respecting the responsibilities and authorities of the president elected according to the will of the Palestinian people through free, honest and democratic elections and to respect the responsibilities and authorities of the government that was granted the confidence vote by the PLC.

And the importance and the need for creative cooperation between the presidency and the government and joint work and hold regular meetings between them to settle any disputes that might arise through brotherly dialogue based on the temporary constitution and for the sake of the higher interests and the need to hold a comprehensive reform in the PNA institutions, especially the judicial apparatus and the respect of the judiciary authority at all levels and to implement its decisions and to reinforce the rule of the law.

6- to form a national unity government on a basis that secures the participation of all parliament blocs, especially Fatah and Hamas and the political forces that desire to participate on the basis of this document and the joint program to upgrade the Palestinian situation at the local, Arab, regional and international levels and to confront the challenges through having a strong national government that enjoys Palestinian popular and political support from all forces and to present the best possible care for the sectors that carried the burden of steadfastness and resistance and the Intifada and who were the victims of the Israeli criminal aggression, especially the families of the martyrs, prisoners and injured and the owners of the demolished homes and properties which were destroyed by the occupation, in addition to the care to the unemployed and the graduates.

7- Administration of the negotiations is the jurisdiction of the PLO and the President of the PNA on the basis of clinging to the Palestinian national goals and to achieve these goals on condition that any final agreement must be presented to the new PNC for ratification or to hold a general referendum wherever it is possible.

8- To liberate the prisoners and detainees is a sacred national duty that must be assumed by all Palestinian national and Islamic forces and factions and the PLO and the PNA as President and government and the PLC and all resistance forces.

9- The need to double efforts to support and care for the refugees and defend their rights and work on holding a popular conference representing the refugees which should come up with commissions to follow up its duties and to stress on the right of return and to cling to this right and to call on the international community to implement Resolution 194 which stipulates the right of the refugees to return and to be compensated.

10- to work on forming a unified resistance front under the name “Palestinian resistance front” to lead and engage in resistance against the occupation and to unify and coordinate action and resistance and to form a unified political reference for the front.

11- to cling to the democratic trend and to hold regular general free and honest and democratic elections according to the law for the president and the PLC and the local and municipal councils and to respect the principle of peaceful and smooth transfer of authority and to promise to protect the Palestinian democratic experience and respect the democratic choice and its results and respect the rule of the law and the public and basic freedoms and freedom of the press and equality among the citizens in rights and duties without any discrimination and to protect the achievements of women and develop and reinforce them.

12- to reject and denounce the oppressive siege against the Palestinian people which is being led by the US and Israel and call on the Arabs at the popular and official levels to support the Palestinian people and the PLO and the PNA and to call on the Arab governments to implement the political, financial, economic, and media decisions of the Arab summits that support the Palestinian people and their steadfastness and their national cause and to stress that the PNA is committed to the Arab consensus and to joint Arab action.

13- to call on the Palestinian people for unity and solidarity and unifying the ranks and support the PLO and the PNA as president and government and to reinforce steadfastness and resistance in face of the aggression and siege and to reject intervention in the Palestinian internal affairs.

14- to denounce all forms of split that can lead to internal conflicts and to condemn the use of weapons regardless of the reasons in settling internal disputes and to ban the use of weapons among the members of the Palestinian people and to stress on the sanctity of the Palestinian blood and to abide by dialogue as the sole means to solve disagreements and freedom of expression through all media, including the opposition to the authority and its decisions on the basis of the law and the right of peaceful protest and to organize marches and demonstrations and sit ins on condition that they be peaceful and without any arms and not to attack the properties of citizens and public property.

15- The national interest stipulates the need to look for the best means towards the continuation of participation of the Palestinian people and their political forces in Gaza Strip in their new situation in the battle for freedom, return and independence and to liberate the West Bank and Jerusalem in a manner that makes the steadfast Gaza Strip a real support force to steadfastness and resistance of our people in the West Bank and Jerusalem as the national interest stipulates reassessing the struggle methods to seek the best methods to resist occupation.

16- the need to reform the develop the Palestinian security institution with all its branches on a modern basis and in a manner that makes them capable of assuming their tasks in defending the homeland and the citizens and in confronting the aggression and the occupation and to maintain security and public order and implement the laws and end the state of chaos and security chaos and end the forms of public armed presence and parades and confiscation of the chaotic weapons that harm the resistance and distort its image and that threaten the unity of the Palestinian society and the need to coordinate and organize the relation with the forces of resistance and organize and protect their weapons.

17- to call on the PLC to continue to issue laws that organize the work of the security institution and apparatuses with their various branches and work on issuing a law that bans exercise of political and partisan action by the members of the security services and to abide by the elected political reference as defined by the law.

18- to work on expanding the role and presence of the international solidarity committees and the peace loving groups that support our people in their just struggle against the occupation, settlements, the apartheid wall politically and locally and to work towards the implementation of the International Court of Justice decision at The Hague pertaining to the removal of the wall and settlements and their illegitimate presence.

Signed by:

Fatah – PLC member Marwan Barghouthi, Fatah Secretary.

Hamas – Sheikh Abdul Khaleq al-Natsheh – Higher Leading Commission

Islamic Jihad Movement – Sheikh Bassam al-Sa'di

PFLP – Abdul Rahim Mallouh – member of PLO Executive Committee and Deputy General Secretary of the PFLP

DFLP – Mustafa Badarneh

Note: Islamic Jihad expressed reservations on the item pertaining to the negotiations.

Appendix 6

Overall Seats Distribution – PLC 2006¹⁴⁷

	Political affiliation	No. of seats in the lists	No. of seats in the districts	Total No. of seats
06	Change and Reform	29	45	74
11	Fatah Movement	28	17	45
03	Martyr Abu Ali Mustafa	3	0	3
08	The Third Way	2	0	2
01	The Alternative	2	0	2
02	Independent Palestine	2	0	2
	Independents	0	4	4
	Total	66	66	132

¹⁴⁷ As published by the CEC

Appendix 7

The List PR Results – PLC 2006¹⁴⁸

Per Constituency:

List		The Alternative		Independent Palestine (Mustafa Barghouthi and Independents)		Martyr Abu Ali Mustafa		Martyr Abu al-Abbas		Freedom and Social Justice		Change and Reform	
		(1)		(2)		(3)		(4)		(5)		(6)	
No	District	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *
01	Jerusalem	2,282	6.0	1,986	5.2	2,135	5.6	336	0.9	410	1.1	16,035	41.9
02	Jenin	2,629	3.5	2,322	3.1	3,657	4.9	331	0.4	440	0.6	28,196	37.8
03	Tulkarem	2,110	4.0	1,253	2.4	1,919	3.7	124	0.2	764	1.5	22,883	43.5
04	Tubas	808	4.9	563	3.4	709	4.3	120	0.7	64	0.4	6,323	38.1
05	Nablus	3,892	4.0	2,359	2.4	5,024	5.1	222	0.2	711	0.7	44,000	44.7
06	Qalqilya	756	2.9	523	2.0	783	3.0	34	0.1	338	1.3	8,349	32.4
07	Salfit	1,387	6.6	1,201	5.7	1,019	4.8	72	0.3	840	4.0	7,501	35.4
08	Ramallah	3,609	4.5	3,210	4.0	5,278	6.6	384	0.5	637	0.8	33,686	42.2
09	Jericho	437	3.8	513	4.4	421	3.6	102	0.9	133	1.1	3,861	33.1
10	Bethlehem	3,191	6.6	2,008	4.2	4,519	9.4	114	0.2	227	0.5	15,140	31.5
11	Hebron	3,190	2.6	4,996	4.0	4,103	3.3	393	0.3	1,138	0.9	61,433	49.5
12	North Gaza	1,266	1.7	1,261	1.7	4,973	6.5	127	0.2	153	0.2	35,781	47.0
13	Gaza	1,266	1.0	2,116	1.6	2,497	1.9	227	0.2	378	0.3	74,816	56.7
14	Deir al-Balah	656	1.1	857	1.4	2,328	3.9	102	0.2	257	0.4	26,550	43.9
15	Khan Younis	909	1.1	1,174	1.5	1,888	2.4	229	0.3	369	0.5	35,070	44.0
16	Rafah	585	1.1	567	1.1	848	1.7	94	0.2	268	0.5	20,785	40.4
	Total	28,973	2.9	26,909	2.7	42,101	4.3	3,011	0.3	7,127	0.7	440,409	44.5

¹⁴⁸ As published by the CEC

List		The National Coalition for Justice and Democracy		The Third Way		Freedom and Independence		The Palestinian Justice		Fatah Movement		Grand total on District Level	
		(7)		(8)		(9)		(10)		(11)			
No	District	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *	Total No. of valid votes	% *
01	Jerusalem	116	0.3	904	2.4	233	0.6	177	0.5	13,698	35.8	38,312	100.0
02	Jenin	157	0.2	2,402	3.2	379	0.5	255	0.3	33,796	45.3	74,564	100.0
03	Tulkarem	87	0.2	2,372	4.5	328	0.6	68	0.1	20,667	39.3	52,575	100.0
04	Tubas	107	0.6	741	4.5	288	1.7	208	1.3	6,673	40.2	16,604	100.0
05	Nablus	71	0.1	4,051	4.1	199	0.2	253	0.3	37,635	38.2	98,417	100.0
06	Qalqilya	29	0.1	870	3.4	243	0.9	58	0.2	13,765	53.5	25,748	100.0
07	Salfit	93	0.4	1,462	6.9	296	1.4	37	0.2	7,278	34.4	21,186	100.0
08	Ramallah	84	0.1	1,701	2.1	136	0.2	77	0.1	30,939	38.8	79,741	100.0
09	Jericho	14	0.1	309	2.7	24	0.2	19	0.2	5,833	50.0	11,666	100.0
10	Bethlehem	80	0.2	1,346	2.8	100	0.2	72	0.2	21,255	44.2	48,052	100.0
11	Hebron	222	0.2	3,322	2.7	527	0.4	145	0.1	44,668	36.0	124,137	100.0
12	North Gaza	73	0.1	755	1.0	203	0.3	61	0.1	31,559	41.4	76,212	100.0
13	Gaza	302	0.2	1,520	1.2	348	0.3	96	0.1	48,328	36.6	131,894	100.0
14	Deir al- Balah	206	0.3	549	0.9	290	0.5	42	0.1	28,681	47.4	60,518	100.0
15	Khan Younis	106	0.1	1,027	1.3	559	0.7	71	0.1	38,384	48.1	79,786	100.0
16	Rafah	59	0.1	531	1.0	245	0.5	84	0.2	27,395	53.2	51,461	100.0
	Total	1,806	0.2	23,862	2.4	4,398	0.4	1,723	0.2	410,554	41.4	990,873	100.0

*The percentage from the valid voted in the district

The Detailed Result of the List PR election:

List		Votes	Percent	Seats
Number	Name			
01	The Alternative	28,973	2.92	2
02	Independent Palestine (Mustafa Barghouthi and Independents)	26,909	2.72	2
03	Martyr Abu Ali Mustafa	42,101	4.25	3
04	Martyr Abu al-Abbas	3,011	0.30	
05	Freedom and Social Justice	7,127	0.72	
06	Change and Reform	440,409	44.45	29
07	The National Coalition for Justice and Democracy	1,806	0.18	
08	The Third Way	23,862	2.41	2
09	Freedom and Independence	4,398	0.44	
10	The Palestinian Justice	1,723	0.17	
11	Fatah Movement	410,554	41.43	28
Total		990,873	100.00	66

Appendix 8

Candidates of the Lists and those Elected – PLC 2006¹⁴⁹

List 1: The Alternative (The Coalition of the Democratic Front, People's party, Fida and Independents)

No	Candidate Name	Female	Elected
1	Qais Kamal Abdul Karim Khadir		Elected
2	Bassam Ahmad Omar Salhi		Elected
3	Siham Mohammed Abdel Salam Barghouthi	Female	
4	Saleh Mohammad Salim Alzeidani		
5	Nasri Kahlil Salim Abu Jeish		
6	Yousri Abdelhay Hasan Darwish		
7	Nadia Hanna Anton Harb	Female	
8	Basher Abad Yousif Dalloul		
9	Khalil Hussni Ahmad Jallad		
10	Muhammed Mohammad Hafiz Abdullah		
11	Mohamad Ahmad Mohammad Alhamarshah		
12	Basmah Mahmoud Warad Battat	Female	
13	Mahfouz Yousef Qahoush		
14	Khalil Ismail Rashid Matar		
15	Yousef Mohammad Ramadan Haimoni		
16	Khaled Atallah Ali Abu - Hilal		
17	Karimeh Abdel Qader Mohammad Al Helou	Female	
18	Daoud Ali Mahmoud Areiqat		
19	Yonis Mohammad Abed Jabarin		
20	Walid Hanna Al-hawash		
21	Ahmed Ata salim Atawneh		
22	Shadya Drweesh Mustafa Salmi	Female	
23	Mahmood Ahmad Mohamad Badah		
24	Subhi Ahmad Mousa Al_jedeili		
25	Saiel Ahed Abdel Rahman Ghanem		
26	Mahmoud Mohammad Yousif Jened		
27	Iman Salah Hasan Khanafseh	Female	
28	Thaher Hamadeh Ali Jalaiteh		
29	Jamal Muhammed Ahmed Jafer		
30	Ibrahim Muhammed Ibrahim Thuweib		
31	Salah Ahmed Al-Samhuri		
32	Khouloud Sulieman Hamdan Abu Nimer	Female	
33	Mohammed Issa Abeidallah Rabi		
34	Naser Mansour Mohammad Shamali		
35	Naem Ali Ismael Khrais		
36	Basima Naif - Abd Alatif Hijazy - Badran	Female	
37	Ibrahim Abdel; Qaser Mahmoud Abu Hijleh		
38	Farid Botrous Maroun Sarrouh		
39	Fuad Khalil Hanna Kassis		
40	Abdel Rahman Hussein Ibrahim Awadallah		

¹⁴⁹ As published by the CEC

List 2: Independent Palestine (Mustafa Barghouthi and Independents)

No	Candidate Name	Female	Elected
1	Mustafa Kamel Mustafa Barghouthi	Male	Elected
2	Rawya Rashad Saeed Shawa	Female	Elected
3	Mohammadd Kamal Ibrahim Hassouneh		
4	Mohammed Yousif Hussein Dahman		
5	Allam Mohamed Kamil Jarrar		
6	Talal Faris Sha'ban Alsharif		
7	Amal Baker Mohammad Saeed Khreisheh	Female	
8	Samer Ahmad Badawi Anabtawi		
9	Zeiad Mohammad Issa Amro		
10	Basim Subhi Farah Khoury Nasir		
11	Omar Mohammed Jasir Darra		
12	Laila Ahmed Moustafa Wafi	Female	
13	Elie Edmond Habib Shehadeh		
14	Mazen Mohammad Sobh Mousa Abu Shamsyeh		
15	Sulieyman Muhammed Sulieyman Dwaykat		
16	Ameen Kulip Mohammad Abu Mustafa		
17	Suhad Mohammad Hashim Shraim	Female	
18	Abedel Ikarim Abdel Latif Odeh		
19	Khalil Mousa Khalil Al Hureimi		
20	Kamal Kamel Hasan Zayed		
21	Fares Abedel Hamid Mujahed Mujahid		
22	Nawal Mohammad Abdel Karim Staity	Female	
23	Amin Abdel karim Ahmad Abdullah		
24	Yousef khader Mahmoud Sa'dah		
25	Othman Mohammed Othman Abu Sabha		
26	Hussein Mohammed Farah Tawil		
27	Nadia Mohammed Yahia Nouah Natshih	Female	
28	Husam Abdullah Ghanim Bani Shamsah		
29	Bashir Ibrahim Khalil Shaheen		
30	Hassan Abdel Mahdi Sbeih		
31	Radia Abdel Rahim Ahmad Badwan	Female	
32	Khaled Yousef Sulieyman Badran		
33	Fuad Ahmad Mohammad Dawabshah		
34	Odai Abdel Wahed Mousa al-Hindi		
35	Aisha Mahmoud Mustafa Saifi	Female	
36	Nassif Tawfiq Hasan Dar Aldeek		
37	Yousef Abdel Majid Issa Tamayza		
38	Iyad Mohammad Mahmoud Masourji		
39	Mohammad Taher As'ad Ali		
40	Mohamad Deep Odeh Abu Mahdi		
41	Mohamed Khaled Tawfiq Mohammad Saifi		

List 3: Martyr Abu Ali Mustafa

No	Candidate Name	Female	Elected
1	Ahmad Sa'dat Yousif Abdel Rasoul	Male	Elected
2	Jameel Mohammed Ismael al-Majdalawi	Male	Elected
3	Khalida Kanan Mohammad Jarrar	Female	Elected
4	Ghazi Jamal Husein al -Sourani		
5	Daoud Suliman Mohammad Darawi		
6	Nasir Izzat Qasim Ali		
7	Mariam Maha Sami Sulieman Nasar	Female	
8	Ahmad Abu-Suod Raziq Hanani		
9	Mohamad Ashour Afif Al-Far		
10	Farid Abed Majid Abdel RahmanTawil		
11	Mostafa Mohammad Mohammad Khalil		
12	Majida Mohamed Odeh Abu Haiba	Female	
13	Yaser Husein Mahmoud Sulieman		
14	Kamil Saeed Hasan Abu Hnaish		
15	Latifa Mohammad Abdel Qader Abu Sham'a	Female	
16	Imad Ata Qasim Zo'rob		
17	Abdullah Afif Abdullah Zakarnah		
18	Husam Muhsen Saeed Alroza		
19	Abdullah Saleh Ahmad Abu Samra		
20	Suzan Abd el -Majed Ali Sha'ath	Female	
21	Fakri Ali Ahmad Abu Alrob		
22	Sarhan Mousa Mohammad Sarhan		
23	Hasan Salim Hasan Awwad		
24	Nidal Naeem Mohammad Abu Eker		
25	Samera Mahammed Hasan al-Aila	Female	
26	Ramadan Daoud Mohammad Sulieman		
27	Yosif Mahmud Saeed Sawafta		
28	Nadia Fayeq Ibrahim Mari	Female	
29	Ra'fat Ali Mohammad Al Roqii		
30	Jemal Husni Hasan Assaf		
31	Fekri Mohamad Hussein Hamid		
32	Jalal Naji bandali Borhom		
33	Moyessar Mohammed Saeed AL-Faqih	Female	
34	Ja'far Faouzi Abdullah Abu Salah		
35	Kamal Saleh Hasan Redwan		
36	Ibraheem Husein Mohammad Al-Shami		
37	Muhamad Khalil Mohammad Abu Ghazaleh		
38	Mahmoud Abd-alrazeq Abdel Nabi Mohsin		
39	Amal Mustafa Hasan Samaro	Female	
40	Rif'at Mohammad Abdel Rahman Enerat		
41	Allam Ahmad As'ad Ka'bi		
42	Bashir Ali Jabir Aawawdah		
43	Mohamad Ahmad Mahmoud Aweis		
44	Hanan Mahmoud Ali Shaheen	Female	
45	Manal Mohamad Mahmoud Alraei	Female	
46	Abedel Malik Ali Atiyah Thabet		
47	Ali Abdel Fattah Moustafa Jabir		
48	Hussien Hasan Mohammad Abu Safia		
49	Attallah Khalil Anton Abu Ghattas		
50	Bashir Ahmad Kamil Al-khari		

List 6: Change and Reform

No	Candidate Name	Female	Elected
1	Ismael Abdel Slam Ahmad Hanieya		Elected
2	Mohammed Mahmoud Hasan Abu-Teir		Elected
3	Jameela Abdallah Taha El-Shanty	Female	Elected
4	"Mohammed Jamal" Nu'man Omran Ala Adeen		Elected
5	Yaser Daoud Sulieman Mansour		Elected
6	Khalil Mousa Khalil Rabai		Elected
7	Huda Naim Mohammad Al Greenawi	Female	Elected
8	Mahmoud Ahmed Abdel Rahman Al-ramahi		Elected
9	Mahmoud Khaled Alzahar Alzahar		Elected
10	Abdel Fattah Hasan Abdel Rahman Dokhan		Elected
11	Ibrahim Mohammed Saleh Dahbour		Elected
12	Maryam Mahmoud Hasan Saleh	Female	Elected
13	Fathi Mohammed Ali Qar'awi		Elected
14	Anwar Mohammed Abdel Rahman Al-Zboun		Elected
15	Imad Mahmoud Rajih Nofal		Elected
16	Omar Mahmoud Matar Matar		Elected
17	Muna Salem Saleh Mansour	Female	Elected
18	Yahia Abdel Aziz Mohammad El Abadsa		Elected
19	"Mohammed Maher" Yousif Mohammad Badir		Elected
20	Ayman Husein Amin Daraghme		Elected
21	Fathi Ahmad Mohammad Hmmd		Elected
22	Maryam Mohammad yousif Farahat	Female	Elected
23	Sayed Salem Sayed Abu Musameh		Elected
24	Marwan Mohamad Ayeesh Abu Ras		Elected
25	Samira Abdullah Abde Rahim Halaykah	Female	Elected
26	Jamal Ismail Hashim Iskaik		Elected
27	Ali Saleem Salman Romanin		Elected
28	Ahmad Yosif Ahmad Abu Halabiya		Elected
29	Abdel Jabir Mostafa Abdel Jabir Fokaha'		Elected
30	Younis Mohammad Salim Abu Daqa		
31	Abedel Basit Abed Jamil Hajj		
32	Ni'meh Daoud Mahmoud Halbieh	Female	
33	Ismail Saeed Mohammad Radwan		
34	Jamal Abdel Salam As'ad Abu Alhaja		
35	Mohammad Ramadan Mohammad Al-Agha		
36	Fathiya Ghazi Amin Qawasmi	Female	
37	Ahmed Ismael Elias Dawleh		
38	Amjad "Mohammad Amin" Othman Al Hammouri		
39	Nasouh Abbas Mohammad Borhom		
40	Abdel Rahman Amir Abdel Rahman Bhaisi		
41	Ghaleb Hasan Ahmad Naserallah		
42	Ikhlass Abdel karim Saleh Alsayed	Female	
43	Ahmed Qasem Mohammad Al-shaikh		
44	Anwar Mohammed Abdel Qader Mara'beh		
45	Mohydeen Saleh Hashim El Helou		
46	Aziza Abdel Aziz Younis al- Hamami	Female	
47	Zeyad Mohammad Bakir Anan		
48	Nayef Omar Nayef Faddah		
49	Saleh Mohammad Deeb Sultan		

50	Fareed Mohammed Fayezi Ziadah		
51	Tamam Yousif Khalil Nofal	Female	
52	Naife Sha'ban Abdullah Karmout		
53	Monir Mohammad Borjos Wirash Agha		
54	Abdullah Mostafa Mohammad Qa'qour		
55	Yaser Ibrahim Mohammad Badrasawi		
56	Noha Awny Husein Saymah	Female	
57	Moner Abdel Rahaman Abdullah Abu Odeh		
58	Amir Mohamed Ali Abu El Amren		
59	Najwa Younis Sulieman Abu Ni'amah	Female	

List 8: The Third Way

No	Candidate Name	Female	Elected
1	<i>Salam Khaled Abdullah Fayyad</i>		<i>Elected</i>
2	<i>Hanan Daoud Khalil Ashrawi</i>	<i>Female</i>	<i>Elected</i>
3	Khaled Zuhair Khalid Osaily		
4	Mohammad Abdel Aziz Yousif Joudeh		
5	Salah Hikmat Tahir Almasri		
6	Fawaz Ibrahim Husein Abu Setta		
7	Tahani Solieman Mohammad Abu Daqqa	Female	
8	Saqer Mohammed Mahmoud Ramadan Al Jerashi		
9	Mohammad Ali Qasim Ali Abu Shahla		
10	Hania Hani Arafat al- Bitar	Female	
11	Salem Yousif Khalil Dardoneh		
12	Yousif Deeb Hamdan Bhaisi		
13	Ikram Abdel Mon'im Adel Qaisi	Female	
14	Ahmad Ibrahim Mohammad Khamayseh		
15	Riyad Ali Yousif Al -Aila		
16	Mohammad Nafiz Edrees Mohammad Abu Zeiadah		
17	Sa'eda Yousif Abdel Qadre Abu Al- Rob	Female	
18	Ali Mohammad Salim al-Rasawi		
19	Zakariya Abdel Majid Rashid Fatayani		
20	Mohammad Khalil Husein Ashour		
21	Tariq Khalil Wajih Badra		
22	Yusra Abdel Aziz Yousif Daoud	Female	
23	Khalid Khamis Mahmoud Abu Laban		
24	Nazmi Amin Mohammad al- Jo'bah		
25	Rostom Deia' Addin Saeed al- Nimiri		

List 11: Fatah

No	Candidate Name	Female	Elected
1	Marwan Hasib Husein Barghouthi		Elected
2	Mohammad Ibrahim Abu Ali Yatta		Elected
3	Intisar Moustafa Mahmoud Al-wazir	Female	Elected
4	Nabil Ali Rashid Sha'ath		Elected
5	Hakam Omar As'ad Baf'awi		Elected
6	Abdullah Mohammad Ibrahim Abdullah		Elected
7	Najat Omar Sadiq Abu Bakir	Female	Elected
8	Raja'l Mahmoud Suleiman Barakah		Elected
9	Ibrahim Ali Ibrahim al-Masdar		Elected
10	Rabiha Theiab Husein Hamdan	Female	Elected
11	Mohammad Khalil Khalil al- Lahham		Elected
12	Jamal Mohammad Mahmoud Abu al-Rob		Elected
13	Sahar Fahad Daoud al-Qawasmi	Female	Elected
14	Majid Mohammad Ahmad Abu Shammaleh		Elected
15	Faysal Mohammad Ali Abu Shahla		Elected
16	Issa Ahmad Abdel Hamid Qaraq'i		Elected
17	Siham Adel Yousif Thabit	Female	Elected
18	Nasir Jamil Mohammad Jom'a		Elected
19	Alaa Addin Mohammad Abed Raboh Yaghi		Elected
20	Abdel Rahim Mahmoud Abdel Rahim Borhom		Elected
21	Jamal Abdel Hamid Mohammad al Haj		Elected
22	Najat Ahmad Ali al- Astal	Female	Elected
23	Jihad Mohammad Abdel Rahman Tamliya		Elected
24	Jihad Awadallah Hamad Znaid	Female	Elected
25	Akram Mohammad Ali al-Haymoni		Elected
26	Jamal Mostafa Issa Hwail		Elected
27	Na'emah Mohammad Mohammad Issa al-Sheikh Ali	Female	Elected
28	Abdel Hamid Jom'a Yousif al Aila		Elected
29	Yahia Mohammd Husein Shamiyah		
30	Nasir Daoud Mani' Abu Ajaj		
31	Abdel Fattah Abdel Hafiz Abdel Hamid Hamid		
32	Fatima Mohammad Mahmoud Al Mza'ten	Female	
33	Abdel Majid Mousa Ahmad Swaity		
34	Salah Ihsan Mohammad Abu Wardah		
35	Wafa' Afif Zakarneh Hab al Reih	Female	
36	Nabil Deiab Awad Abu Qbaiteh		
37	Khalil Ahmad Moslim Tmaiza		
38	Ni'mah Abdel Rahman Talib Awad	Female	
39	Salah Addin Husein Abdullah Bsharat		
40	Omar Othman Mohammd Hroub		
41	Mohammad Ilayan Ahmad Sawwan		
42	Fatima Mohammad Ahmad al-Tardah	Female	
43	Nazmi Abdel Fattah Salman Morqtan		
44	Mohammad Kifah Yousif Deiab Al-Owaiwi		
45	Mahmoud Bakr Mohammad Hijazi		

The following Candidate Lists did not win seats

List 4: Martyr Abu al-Abbas

No	Candidate Name	Female
1	Omar Ahmed Mahmoud Shibly	
2	Wasil Atta Ahmad AbuYousef	
3	Najwa Zohdy Ahmad El Akkad	Female
4	Hisham Ramadan Mahmoud Abu Raya	
5	Yaser Omar Abdel Hay Khatheeb	
6	Hani Kamil Ahmad al- Joulani	
7	Rida Mahmoud Abdel Maqsoud Kelakh	Female
8	Shukri Saeed Abdel Rahman Awadallah	
9	Ibrahim Khalil Ahmad Sharay'eh	
10	Ahmad Fawwaz Mahmoud Nassar	
11	Hassan Ibrahim Yousif El Jazar	

List 5: Freedom and Social Justice

No	Candidate Name	Female
1	Ahmad Abdel Salam Hasan Majdalany	
2	Tamer Farah Hasan Suhiel	
3	Rania Jom'a Harb Abu Mour	Female
4	Suleiman Ata Tawfiq Ghosheh	
5	Saeed Zuhdy Ibrahim Awwad	
6	Sulaiman AbdullahMohammad Attawnah	
7	Najah Abdel Hamid Ahmad Abu Zirr	Female
8	Ali Mahmoud Ali Khalil	
9	Hussein Ibrahim Salamah Zubaidat	
10	Nael Hafez Mohammad Atrash	
11	Farid Mohamed Ahmad Alaskari	
12	Heyam Mousa Abdel Rahman Shaeen	Female
13	Mousa Rajab Mohammad Abu Jabal	

List 7: The National Coalition for Justice and Democracy (Wa'ad)

No	Candidate Name	Female
1	Eyad Rajab Ahmad Elsarraj	
2	Ghazi Mahmoud Ibrahim Abu Jeiab	
3	Majida Husni Khalil El Batsh	Female
4	Awni Ahmad Abdel Rahman Al-khatib	
5	Hisham Fayez Hafiz al- Hamoud Barahmah	
6	Ahmad Khader Ahmad AbuTawakhiya	
7	Makram Munir Ismael Qasrawi	Female
8	Mohammad Ahmad Mohammad al- Deisi	
9	Walid Salim "Mohammad Ali" Abdel Wahid	
10	Hasan Ahmad Deeb al- Khraibi	
11	Ayman Salim Salim Ilaiwah	
12	In'am Mahmoud Mohammad Wahbah	Female
13	Eyad Rajab Ahmad Elsarraj	
14	Ghazi Mahmoud Ibrahim Abu Jeiab	

List 9: Freedom and Independence

No	Candidate Name	Female
1	Salim Ali Mohammad Albredeny	
2	Ra'ed Fahmi Hamad Tabeeb	
3	Mariam Mustafa Othman Irhayel	Female
4	Samer Zaied Redwan Masri	
5	Afif Idris Abdel Hay Al-khatibTamimi	
6	Samih Mohammed Yousif Shihadeh	
7	Kawhla Mohammad Ali Al Ahmad	Female
8	Fazza Fakhri Fazza Saeed	
9	Ismail Ibrahim Shihadeh Al- Njjar	
10	Mohammed Ali Mohammad Omari	

List 10: The Palestinian Justice

No	Candidate Name	Female
1	Samir Sadiq Abdel Rahman Qadri	
2	Ahmad Ibrahim Amin Daraghmah	
3	Sabah Faisal Abdullah Asous	Female
4	Hazim Mohamad Nimir Thiab	
5	Salih Majid Khalil Milhem	
6	Osama Tawfiq Salim Mohamad	
7	Aishah Saeed Abdullah Khadr	Female
8	Ghassan Mahmoud Mohammad Awaidah	

Appendix 9

Detailed Constituency Results – PLC 2006¹⁵⁰

The candidates are listed in the order of number of votes within each constituency.

01	Jerusalem	Number of seats in total: 6	Christian Quota: 2	Number of candidates: 39	
No	Candidate Name	Political Affiliation	Number of Votes	Christian or Female Candidate	Elected
1	Ibraheim abu-Salem	Change and Reform	15337		Elected
2	Mohammad Totah	Change and Reform	14540		Elected
3	Wail al-Husseini	Change and Reform	14183		Elected
4	Ahmad Attoun	Change and Reform	14084		Elected
5	Hatem Eid	Fatah	13444		
6	Othman Abu Gharbieh	Fatah	8963		
7	Ahmed Abedel Rahman	Fatah	7368		
8	Ahmad Ghoneim	Fatah	7143		
9	Yacoub Qeresh	Independent	5036		
10	Abdelatif Ghaith	Independent	4814		
11	Hatem Salah Alden	Independent	4563		
12	Emil Jarjoui	Fatah	4522	Christian	Elected
13	Talal Abu Afifeh	Independent	4444		
14	Epiphan Sabella	Fatah	4035	Christian	Elected
15	Said Dawoud	Independent	3586		
16	Fadwa Khader	Independent	3512	Christian and Female	
17	Hamde Rajabi	Independent	3512		
18	Simon Awad	Independent	3377	Christian	
19	Mohammed Hammad	Independent	3168		
20	Rajeh Abu Assab	Independent	3077		
21	Younes Jafar	Independent	2864		
22	Ziad Abu Zayyad	Independent	2861		
23	Hani Eessawi	Independent	2788		
24	Adnan Arafeh	Independent	2730		
25	Dafe Allh Abo Dahouk	Independent	2652		
26	Asad Ghazawneh	Independent	2533		
27	Naser Qoss	Independent	2380		
28	Saada Khatib	Independent	1413		
29	Yacoub Amer	Independent	1270	Christian	
30	Dimitri Diliiani	Independent	1246	Christian	
31	Hanna Siniora	Independent	1092	Christian	
32	Iyad Salaimh	Independent	1061		
33	Ahmad Albatsh	Independent	934		
34	Khalil Abu Zayyad	Independent	849		
35	Walid Ayyad	Independent	810		
36	Majed Alloush	Independent	628		
37	Mitri Nasrawi	Independent	584	Christian	
38	Salah el Deen Zuhaika	Independent	511		
39	Richard Zananiri	Independent	433	Christian	

¹⁵⁰ As published by the CEC

02	Jenin	Number of seats in total: 4	Christian Quota: 0	Number of candidates: 32	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Khalid Yahya	Change and Reform	30863		Elected
2	Azzam Alahmad	Fatah	29249		Elected
3	Khalid Abu Hasan	Change and Reform	28025		Elected
4	Shami Shami	Fatah	27040		Elected
5	Hussein Rabaia	Fatah	26314		
6	Hikmat Zaid	Fatah	23795		
7	Fakhri Ahmed	Change and Reform	21701		
8	Bilal Aboshi	Change and Reform	21376		
9	Riyad Attari	Independent	8435		
10	Jamal Zubaidee	PFLP	7133		
11	Taysir Al_Zabri	Independent	6455		
12	Thiab Ayyoush	Independent	5220		
13	Jamal Al - Hindi	Independent	3476		
14	Mohamed Jarrar	Independent	3433		
15	Saadeh Irshaid	Independent	3322		
16	Said Obidy	Independent	3096		
17	Mahmoud Al Labdi	Independent	3083		
18	Walid Arda	Independent	3061		
19	Mousa Albawaqneh	Independent	2809		
20	Rebhe Abu Alrub	Independent	2435		
21	Faisal Gawadrah Turokman	Independent	2374		
22	Mohammad Abu Hayja	Independent	2353		
23	Burhan Jarrar	Independent	2040		
24	Yousif Oriday	Independent	1681		
25	Amneh Mansour	Independent	1556	Female	
26	Husam Nazzal	Independent	1527		
27	Walid Jarar	Independent	1278		
28	Nouraldin Abu Alrub	Independent	930		
29	Saleh Amawi	Independent	891		
30	Ghassan Said	Independent	834		
31	Nafidth Rabaia	Independent	638		
32	Raed Sammar	Independent	267		

03	Tulkarem	Number of seats in total: 3	Christian Quota: 0	Number of candidates: 17	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Hasan Khreishi	Independent	21179		Elected
2	Abderrahman Zaidan	Change and Reform	20407		Elected
3	Riyad Raddad	Change and Reform	20272		Elected
4	Ibrahim Khraishi	Fatah	17723		
5	Mustafa Deraweyeh	Fatah	17369		
6	Adnan Damiri	Fatah	15887		
7	Nada Hweiti	Independent	6072	Female	
8	Allam Hamdallah	PFLP	5850		

9	Doctor Shawqi Sabha	Independent	5504		
10	Mohammad Bladey	Independent	3964		
11	Nayef Jarrad	Independent	3121		
12	Abdelraheem Kettani	Independent	2919		
13	Mohamad Awad	Independent	2447		
14	Mofeed Abid Rabo	Independent	2165		
15	Mohammed Diab	Independent	1972		
16	Khearee Hanoon	Independent	1091		
17	Saeed Shadid	Independent	420		

04	Tubas	Number of seats in total: 1	Christian Quota: 0	Number of candidates: 9	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Khalid Abo Tous	Change and Reform	5784		Elected
2	Bassam Daragmeh	Fatah	5146		
3	Ali Barham	Independent	2988		
4	Fathy Khdarat	Independent	1109		
5	Bashar Bani Odeh	PFLP	643		
6	Abdel Aziz Bani Odeh	Independent	302		
7	Numan Dareghmeh	Independent	291		
8	Fuad Daraghmi	Independent	285		
9	Saleem Ayoub	Independent	156		

05	Nablus	Number of seats in total: 6	Christian Quota: 0	Number of candidates:	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Ahmed Ahmed	Change and Reform	44957		Elected
2	Hamid Kdier	Change and Reform	43789		Elected
3	Mahmoud Alaloul	Fatah	39746		Elected
4	Reyad Amleh	Change and Reform	39106		Elected
5	Husni Borini Yaseen	Change and Reform	39056		Elected
6	Dawood Abo - Seir	Change and Reform	36877		Elected
7	Ghassan Shakaa	Fatah	35397		
8	Moawiah Masri	Independent	33561		
9	Ahmad Edealy	Fatah	32118		
10	Sarhan Dwikat	Fatah	30958		
11	Isam Abo Baker	Fatah	29766		
12	Dalal Salameh	Fatah	26952	Female	
13	Ahed Abu - Goolmy	PFLP	17221		
14	Majida Almasri	Independent	14568	Female	
15	Jamal Aloul	Independent	12277		
16	Ghassan Hamdan	Independent	11242		
17	Maher Fares	Independent	10122		
18	Ismat Shakhshir	PFLP	7726	Female	
19	Hani Almasri	Independent	6641		

20	Issmat Sholy	PFLP	6288		
21	Munib Yaish	Independent	2850		
22	Waleed Dwiekat	Independent	2292		
23	Fayez Zaidan	Independent	2290		
24	Feda Abu Hanood	Independent	1810	Female	
25	Noman Mashayek	Independent	1604		
26	Fathi Buzieh	Independent	1449		
27	Jamal Salman	Independent	1067		
28	Nabegh Kanan	Independent	758		
29	Ziad Kayed Zanoon	Independent	548		
30	Ahmed Hawamdeh	Independent	532		

06	Qualqilya	Number of seats in total: 2	Christian Quota: 0	Number of candidates: 10	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Waleed Assaf	Fatah	14049		Elected
2	Ahmad Shreim	Fatah	12900		Elected
3	Khader As Sedeh	Change and Reform	9090		
4	mohammad nazal	Change and Reform	8372		
5	Salman Salman	Independent	1580		
6	Khalid Yahya	PFLP	1114		
7	Hasem Alshair	Independent	1057		
8	Ahmad Yousef	Independent	805		
9	Abed Elfatah Dawod	Independent	555		
10	Belal Japer	Independent	348		

07	Salfit	Number of seats in total: 1	Christian Quota: 0	Number of candidates: 11	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Naser Abdaljawwad	Change and Reform	6762		Elected
2	Bilal Ozraiel	Fatah	5632		
3	Ahmed Deek	Independent	4957		
4	Shafer Affoneh	Independent	1389		
5	Mohamad Al-Amour	Independent	1236		
6	Husam Abu Fares	The Alternative	802		
7	Qadri Slameh	Independent	155		
8	Muhannad Ashqar	Independent	54		
9	Najwa Zidan	Independent	33	Female	
10	Abed Alruhman Turk	Independent	31		
11	Hafiz Ahmad	Independent	15		

08	Ramallah	Number of seats in total: 5	Christian Quota: 1	Number of candidates: 34	
No	Candidate Name	Political Affiliation	Number of Votes	Christian or Female Candidate	Elected
1	Hasan Dar Khaleil	Change and Reform	37306		Elected
2	Fadel Fadel Hamdan	Change and Reform	33594		Elected
3	Ahmad Mobarak	Change and Reform	33133		Elected
4	Mahmoud Musleh	Change and Reform	30825		Elected
5	Abed El Kader Hamed	Fatah	24350		
6	Abed El Fateh Hamail	Fatah	23712		
7	Yousef Mohammad	Fatah	23070		
8	Muheeb Salameh	Fatah	22834	Christian	Elected
9	Khalil Lutfi Yasin	Fatah	20364		
10	Jamil Al-Tarifi	Independent	16147		
11	Omar Safi	Independent	11012		
12	Khaled Al Helu	Independent	8567		
13	Wisam Rafeedie	PFLP	8547	Christian	
14	Khalid Bakir	PFLP	7937		
15	Zuheir Khalaf	Independent	7383	Christian	
16	Butheina Duqmaq	Independent	6470	Female	
17	Mohd Alzubaidi	Independent	4735		
18	Issam Abualhaj	Independent	4217		
19	Basem Taha	Independent	2829		
20	Rifaie Taha	Independent	2588		
21	Zeiad Taleb	Independent	2553		
22	Muharram Barghouthi	Independent	2431		
23	Azmi Al-Kawaja	Independent	2363		
24	Adib Khatib	Independent	2044		
25	Mohammad Muqbel	Independent	1842		
26	Ribhi Asfour	Independent	1760		
27	Ahmad Abugosh	Independent	1573		
28	Hassn Sharaka	Independent	1537		
29	Fadel Khalde	Independent	1390		
30	Ayed Zatar	Independent	1140		
31	Abdalla Horani	Independent	1095		
32	Aff Hamdan	Independent	813		
33	Mahmud Qadri	Independent	391		
34	Raed Abdeil-Rahman	Independent	312		

09	Jericho	Number of seats in total: 1	Christian Quota: 0	Number of candidates: 5	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Saeb Erakat	Fatah	6717		Elected
2	Khaled Raee	Change and Reform	3411		
3	Adel Abu-Nemh	Independent	1288		
4	Ibrahim Jalayta	Independent	197		
5	Fakher Kaabneh	Independent	180		

10	Bethlehem	Number of seats in total: 4	Christian Quota: 2	Number of candidates: 32	
No	Candidate Name	Political Affiliation	Number of Votes	Christian or Female Candidate	Elected
1	Kalid Dweib	Change and Reform	17268		Elected
2	Mahmoud Alkhateeb	Change and Reform	15869		Elected
3	Majed Faraj	Fatah	14429		
4	Suliman Abu- Mufferreh	Fatah	13842		
5	Mohammed Altamare	Independent	8894		
6	Fuad Kokaly	Fatah	8636	Christian	Elected
7	Fayez Saqqa	Fatah	8340	Christian	Elected
8	Bishara Daoud	Independent	6232	Christian	
9	Yusuf Hamad	Independent	5883		
10	Salem Althwaib	Independent	4713		
11	Fannoun Mahmoud	Martyr Abu Ali Mustafa	4512		
12	Mariya Rok	Martyr Abu Ali Mustafa	4402	Christian and Female	
13	Issam Abu - Zuluf	Independent	4239	Christian	
14	Fuad Rizik	Independent	4208	Christian	
15	Hassan Alfararjaha	Martyr Abu Ali Mustafa	4197		
16	Sami Awad	Independent	4020	Christian	
17	Basem Abu Shama	Independent	3913		
18	Jubrael Al-Shomali	Martyr Abu Ali Mustafa	3605	Christian	
19	Makram Qumsieh	Independent	3595	Christian	
20	Maher Assaf	Independent	3551		
21	Sami Abu Aita	Independent	2588	Christian	
22	Salim Qasqas	Independent	2302		
23	Mohaamad Alradaideh	Independent	2155		
24	Khader Allaham	Independent	2140		
25	Usama Odeh Muallem	Independent	2105	Christian	
26	Khaled Al-Azzah	The Popular Struggle Front	1524		
27	Omar Abughayadah	Independent	1441		
28	Hanna Rishmawi	Independent	907	Christian	
29	Walid Alhereimi	Independent	740		
30	Jamal Hajahjah	Independent	604		
31	Yousef Abu Omar	Independent	495		
32	Naser Safi	Independent	231		

11	Hebron	Number of seats in total: 9	Christian Quota: 0	Number of candidates: 46	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Naif Rajob	Change and Reform	59885		Elected
2	Sameer Al Kadi	Change and Reform	59841		Elected
3	Aziz Dweik	Change and Reform	55649		Elected
4	Azzam Salhab	Change and Reform	53720		Elected
5	Mohammad Abu Jhesheh	Change and Reform	52027		Elected
6	Nizar Ramadan	Change and Reform	51891		Elected

7	Hatem Kafeeshe	Change and Reform	50485		Elected
8	Basim Zaareer	Change and Reform	49236		Elected
9	Mohammad Al Tel	Change and Reform	47353		Elected
10	Nabil Amir	Fatah	41293		
11	Jemal Shobky	Fatah	39672		
12	Jebreel Rjoub	Fatah	38367		
13	Rafiq Al Natsheh	Fatah	37558		
14	Zuhair Almanasreh	Fatah	35919		
15	Mosa Abdu Sabha	Fatah	35860		
16	Sluiman Taha Abu Snaine	Fatah	35008		
17	M Tayseir Rifai	Fatah	33432		
18	Dr Ghazi Abu-Sharkh	Fatah	31923		
19	Issa Abo-Ehram	Independent	10028		
20	Abdelaleem Dana	PFLP	8541		
21	Sami Awlad Mohamad	PFLP	7519		
22	Mahmoud Mohamed AbuAyaash	Independent	6589		
23	Khaled Badwi	PFLP	6495		
24	Ayman Kawasmeh	Independent	6346		
25	Abdulhamid Abu Turkey	Independent	6304		
26	Rezeq Namoor	Popular Struggle Front	5649		
27	Ali Abu Znaid	Independent	5570		
28	Samih Abue Isheh	Independent	5457		
29	Zhran Abuqbeta	Independent	5400		
30	Musa Ajweh	Independent	5281		
31	Mohammed Rshad Dwaik	Independent	5055		
32	Fahmi Shaheen	Independent	4959		
33	Osama Najjar	Independent	4943		
34	Abraheem Abuozhreh	Independent	4562		
35	Ahmed Al Horainy	Independent	4368		
36	Farid Sarahna	Independent	4090		
37	Ishaq Ibheis	The Arab Palestinian Front	3446		
38	Mahmoud Ebhais	The Palestinian Democratic Union	3257		
39	Mohammed Abu-Arar	Independent	3255		
40	Mohammad Hourani	Independent	3078		
41	Mousa Bhais	Independent	2572		
42	Saqr Abu Ayyash	Independent	2091		
43	Maher Zalloum	Independent	1979		
44	Ghassan Juba	Independent	1866		
45	Hammad Lehsony	Independent	1346		
46	Jamal Awad	Independent	1087	Female	

12	North Gaza	Number of seats in total: 5	Christian Quota: 0	Number of candidates: 27	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Yousef Al Shrafi	Change and Reform	37106		Elected
2	Moshir Elhabel	Change and Reform	34560		Elected
3	Mohamed Abed Hadi Shehab	Change and Reform	33223		Elected
4	Atef Adwan	Change and Reform	33102		Elected
5	Ismail Alashqar	Change and Reform	32030		Elected
6	Hisham Abd El-Razik	Fatah	27287		
7	Tayseer Abu Eida	Fatah	27036		
8	Jabr El Daour	Fatah	26897		
9	Hassan Abu-Jarad	Fatah	25301		
10	Yazid Hwihi	Fatah	23935		
11	Kamal El-Sharafi	Independent	16362		
12	Abedel Rahman Jomaa	PLFP	9528		
13	Ramadan Tanboura	Independent	9431		
14	Izzeldin Abuelaish	Independent	5691		
15	Omar Alakhrass	PFLP	4793		
16	Jamal Abdalnsseer Abu Habel	Independent	4017		
17	Rabeea Al Massri	The Alternative	2366		
18	Imad Al Falouji	Independent	1974		
19	Mohammed Al Razany	Independent	1678		
20	Younis El-Katri	Independent	1667		
21	Waleed Elkaldy	Independent	1366		
22	Yosef Othman	Independent	1176		
23	Samer Shallan	Independent	964		
24	Khader Abu Nada	Independent	798		
25	Rewyda Hamad	Independent	670	Female	
26	Jamal Abu El Jedian	Independent	485		
27	Salim Abusafia	Independent	389		

13	Gaza	Number of seats in total: 8	Christian Quota: 1	Number of candidates: 49	
No	Candidate Name	Political Affiliation	Number of Votes	Christian or Female Candidate	Elected
1	Said Seyam	Change and Reform	75880		Elected
2	Ahmed Bahar	Change and Reform	73988		Elected
3	Khalil Elhyya	Change and Reform	73313		Elected
4	Mohammed Faraj Elghoul	Change and Reform	71492		Elected
5	Jamal Saleh	Change and Reform	69856		Elected
6	Jamal Elkhoudary	Independent	63150		Elected
7	Ziad Abu-Amr	Independent	55748		Elected
8	Husam Altaweel	Independent	54961	Christian	Elected
9	Foad El Shobaky	Fatah	44541		
10	Amin Al Hindi	Fatah	41916		
11	Sameer Mashharawy	Fatah	39410		
12	Maher Mikdad	Fatah	39183		
13	Azzam El Shawwa	Fatah	38930		
14	Saeb El Ajez	Fatah	36664		
15	Thehni Al Wuhaidi	Fatah	35584		
16	Hani Saba	Fatah	33742	Christian	
17	Mohammed Madi	Independent	15425		
18	Musbah Saqr	Independent	13447		
19	Fadel Abu Hein	Independent	12928		
20	Nahedh Al-Rayyes	Independent	11136		
21	Rabah Mohanna	PFLP	5470		
22	Fathi El-Wahaidi	Independent	4965		
23	Tholfikar Swairjo	PFLP	4575		
24	Musa El Ghoul	Independent	4089		
25	Mohammad Madi	PFLP	3959		
26	Ayesh Aksheya	PFLP	3815		
27	Marwan Kanafani	Independent	3546		
28	Hassan Al-Kashif	Independent	3532		
29	Badr Yassin	Independent	3133		
30	Mousa El Zabout	Independent	3029		
31	Moffeed Alhassina	Independent	2984		
32	Rabi Ayyad	Independent	2902		
33	Fakhry Shaqqoura	Independent	2861		
34	Zainab Al Ghinaimi	Independent	2760	Female	
35	Salem Eldahdouh	Independent	2568		
36	Hassan Doghmosh	Independent	2422		
37	Talat Al Safadi	The Alternative	2285		
38	Nehad Al Sheikh Deeb	Independent	2225		
39	Kamal Abu Qamar	Independent	1865		
40	Jamal Abu Kashef	Independent	1838		
41	Hamza Elbeltaji	Independent	1823		
42	Nafez Shallah	Independent	1753		
43	Hesham Abu Sido	Independent	1702		
44	Emad Elsayegh	Independent	1464	Christian	
45	Raif Diyab	The Alternative	1297		
46	Ahmed Fuad Al Mezeiny	Independent	1198		
47	Bassam Diab	Independent	978		
48	Khalid Dawoud	Independent	847		
49	Sami Mohamad Elhasham	Independent	780		

14	Deir al-Balah	Number of seats in total: 3	Christian Quota: 0	Number of candidates: 18	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Abd Al Rahman Aljamal	Change and Reform	27976		Elected
2	Ahmed Abu Holy	Fatah	26229		Elected
3	Salem Salameh	Change and Reform	26067		Elected
4	Ahmed Bin Said	Change and Reform	25551		
5	Sadi El-Krunz	Fatah	24192		
6	Jamila Saidam	Fatah	20954	Female	
7	Jaber Wishah	Independent	4961		
8	Mahmoud Abu Samra	Independent	4228		
9	Mahmoud Alhabbash	Independent	3713		
10	Saleem Elzreaay	Independent	3553		
11	Mhammed Elgattaway	Independent	2004		
12	Huda Basheer	Independent	1174	Female	
13	Mohamed Hossam Al-Mossadar	Independent	1091		
14	Mustafa Hafiz Abu Middain	Independent	767		
15	Khalid Al Sowsow	Independent	639		
16	Tareq El Buhissi	Independent	485		
17	Mohammed Farajalla	Independent	390		
18	Freeh Meden	Independent	314		

15	Khan Younis	Number of seats in total: 5	Christian Quota: 0	Number of candidates:	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Mohammed Dahlan	Fatah	38349		Elected
2	Younis El-Astal	Change and Reform	37695		Elected
3	Salah El Bardawil	Change and Reform	33746		Elected
4	Khamis Najjar	Change and Reform	33307		Elected
5	Sofyan Al-Agha	Fatah	32964		Elected
6	Souliman El Farra	Change and Reform	32687		
7	Saleh Elrigebe	Change and Reform	32579		
8	Weeld Mukhmier	Fatah	29722		
9	Soliman Abu Mtlak	Fatah	28703		
10	Ibrahim Abu Alnaga	Fatah	28685		
11	Saleem Alsaqqa	Independent	5525		
12	Riyadh El Astal	Independent	4581		
13	Raafat El Naggar	Independent	4571		
14	Talal Zarefe	DFLP	3817		
15	Abdelaziz Abu Dagga	Independent	3620		
16	Ibraheem Abu Dagga	Independent	2833		
17	Mohammadayyoub Abu Hadrous	PFLP	2728		
18	Abedelsamea Alnajar	Independent	2488		
19	Jawad Elfarra	Independent	2456		
20	Mohammad Abou Daga	Independent	2185		
21	Abdel Aziz Qudaih	The Popular Struggle Front	1648		

22	Naseem Abu Jamie	Independent	1545		
23	Hashem Al Farah	Independent	1519		
24	Daifallah El Akhras	Independent	1431		
25	Hosam Shaat	Independent	1401		
26	Ahmed Al Farra	Independent	1327		
27	Abed El Salam Zaqqut	Independent	1238		
28	Ahmed Wafi	Independent	1136		
29	Ramadan Kodaih	Independent	1126		
30	Abdu Seyam	Independent	1123		
31	Mohammed Abu Emdea	Independent	806		
32	Abd Alla Al Akad	Independent	457		
33	Abd Elkarem Abou Salah	Independent	452		
34	Mohmmoud Sheehine	Independent	423		
35	Ahmad Alqarra	Independent	389		
36	Ziad Shammout	Independent	375		
37	Mohamed Kullab	Independent	373		
38	Sobhi Al Qedra	Independent	339		
39	Saad Abu Mhanna	Independent	338		
40	Ahmed Alshibi	Independent	290		
41	Abd El Qader Awadi	Independent	182		
42	Zeyad Kullab	Independent	155		
43	Ali Hamed	Independent	152		

16	Rafah	Number of seats in total: 3	Christian Quota: 0	Number of candidates: 12	
No	Candidate Name	Political Affiliation	Number of Votes	Female Candidate	Elected
1	Mohammed Hegazi	Fatah	28527		Elected
2	Ashraf Joma	Fatah	28089		Elected
3	Redwan Al Akhras	Fatah	26759		Elected
4	Atalla Abu El-Sibah	Change and Reform	21142		
5	Ghazi Hamad	Change and Reform	21119		
6	Fuad Alnahhal	Change and Reform	19675		
7	Fathy Barka	Independent	2318		
8	Emad Eltaweel	Independent	2286		
9	Ziad Jarqhon	The Alternative	1466		
10	Sulaiman Elromy	Independent	834		
11	Ibrahim El-Gazzar	Independent	541		
12	Hamdy Alnahhal	Independent	491		

Appendix 10

Elected Members of the 2006 PLC by Affiliation¹⁵¹

List 6: Change and Reform

No	Name	Female	Constituency / List	Christian quota
1	Ibraheim abu-Salem		01 Jerusalem	
2	Mohammad Totah		01 Jerusalem	
3	Wail al-Husseini		01 Jerusalem	
4	Ahmad Attoun		01 Jerusalem	
5	Khalid Yahya		02 Jenin	
6	Khalid Abu Hasan		02 Jenin	
7	Abderrahman Zaidan		03 Tulkarem	
8	Riyad Raddad		03 Tulkarem	
9	Khalid Abo Tous		04 Tubas	
10	Ahmed Ahmed		05 Nablus	
11	Hamid Kdier		05 Nablus	
12	Reyad Amleh		05 Nablus	
13	Husni Borini Yaseen		05 Nablus	
14	Dawood Abo - Seir		05 Nablus	
15	Naser Abdaljawwad		07 Salfit	
16	Hasan Dar Khaleil		08 Ramallah	
17	Fadel Fadel Hamdan		08 Ramallah	
18	Ahmad Mobarak		08 Ramallah	
19	Mahmoud Musleh		08 Ramallah	
20	Kalid Dweib		10 Bethlehem	
21	Mahmoud Alkhateeb		10 Bethlehem	
22	Naif Rajob		11 Hebron	
23	Sameer Al Kadi		11 Hebron	
24	Aziz Dweik		11 Hebron	
25	Azzam Salhab		11 Hebron	
26	Mohammad Abu Jhesheh		11 Hebron	
27	Nizar Ramadan		11 Hebron	
28	Hatem Kafeshe		11 Hebron	
29	Basim Zaareer		11 Hebron	
30	Mohammad Al Tel		11 Hebron	
31	Yousef Al Shrafi		12 North Gaza	
32	Moshir Elhabel		12 North Gaza	
33	Mohamed Abed Hadi Shehab		12 North Gaza	
34	Atef Adwan		12 North Gaza	
35	Ismail Alashqar		12 North Gaza	
36	Said Seyam		13 Gaza	
37	Ahmed Bahar		13 Gaza	
38	Khalil Elhyya		13 Gaza	
39	Mohammed Faraj Elghoul		13 Gaza	
40	Jamal Saleh		13 Gaza	

¹⁵¹ As published by the CEC

41	Abd Al Rahman Aljamal		14 Deir al-Balah	
42	Salem Salameh		14 Deir al-Balah	
43	Younis El-Astal		15 Khan Younis	
44	Salah El Bardawil		15 Khan Younis	
45	Khamis Najjar		15 Khan Younis	
46	Ismael Abdel Slam Ahmad Hanieya		List PR	
47	Mohammed Mahmoud Hasan Abu-Teir		List PR	
48	Jameela Abdallah Taha El-Shanty	Female	List PR	
49	"Mohammed Jamal" Nu'man Omran Ala Adeen		List PR	
50	Yaser Daoud Sulieman Mansour		List PR	
51	Khalil Mousa Khalil Rabai		List PR	
52	Huda Naim Mohammad Al Qreenawi	Female	List PR	
53	Mahmoud Ahmed Abdel Rahman Al-ramahi		List PR	
54	Mahmoud Khaled Alzahr Alzahar		List PR	
55	Abdel Fattah Hasan Abdel Rahman Dokhan		List PR	
56	Ibrahim Mohammed Saleh Dahbour		List PR	
57	Maryam Mahmoud Hasan Saleh	Female	List PR	
58	Fathi Mohammed Ali Qar'awi		List PR	
59	Anwar Mohammed Abdel Rahman Al-Zboun		List PR	
60	Imad Mahmoud Rajih Nofal		List PR	
61	Omar Mahmoud Matar Matar		List PR	
62	Muna Salem Saleh Mansour	Female	List PR	
63	Yahia Abdel Aziz Mohammad El Abadsa		List PR	
64	"Mohammed Maher" Yousef Mohammad Badir		List PR	
65	Ayman Husein Amin Daraghme		List PR	
66	Fathi Ahmad Mohammad Hmmd		List PR	
67	Maryam Mohammad yousif Farahat	Female	List PR	
68	Sayed Salem Sayed Abu Musameh		List PR	
69	Marwan Mohamad Ayeesh Abu Ras		List PR	
70	Samira Abdulllah Abde Rahim Halaykah	Female	List PR	
71	Jamal Ismail Hashim Iskaik		List PR	
72	Ali Saleem Salman Romanin		List PR	
73	Ahmad Yosif Ahmad Abu Halabiya		List PR	
74	Abdel Jabir Mostafa Abdel Jabir Fokaha'		List PR	

List 11: Fatah

No	Name	Female	Constituency / List	Christian quota
1	Emil Jarjoui		01 Jerusalem	Christian
2	Ephiphani Sabella Talal Abu Affeh		01 Jerusalem	Christian
3	Azzam Alahmad		02 Jenin	
4	Shami Shami		02 Jenin	
5	Mahmoud Alaloul		05 Nablus	
6	Waleed Assaf		06 Qualqilya	
7	Ahmad Shreim		06 Qualqilya	
8	Muheeb Salameh		08 Ramallah	Christian

9	Saeb Erakat		09 Jericho	
10	Fuad Kokaly		10 Bethlehem	Christian
11	Fayez Saqqa		10 Bethlehem	Christian
12	Ahmed Abu Holy		14 Deir al-Balah	
13	Mohammed Dahlan		15 Khan Younis	
14	Sofyan Al-Agha		15 Khan Younis	
15	Mohammed Hegazi		16 Rafah	
16	Ashraf Joma		16 Rafah	
17	Redwan Al Akhras		16 Rafah	
18	Marwan Hasib Husein Barghouthi		List PR	
19	Mohammad Ibrahim Abu Ali Yatta		List PR	
20	Intisar Moustafa Mahmoud Al-Wazir	Female	List PR	
21	Nabil Ali Rashid Sha'ath		List PR	
22	Hakam Omar As'ad Bal'awi		List PR	
23	Abdullah Mohammad Ibrahim Abdullah		List PR	
24	Najat Omar Sadiq Abu Bakir	Female	List PR	
25	Raja'l Mahmoud Sulieman Barakah		List PR	
26	Ibrahim Ali Ibrahim al-Masdar		List PR	
27	Rabiha Dyab Husein Hamdan	Female	List PR	
28	Mohammad Khalil Khalil al- Lahham		List PR	
29	Jamal Mohammad Mahmoud Abu al-Rob		List PR	
30	Sahar Fahad Daoud al-Qawasmi	Female	List PR	
31	Majid Mohammad Ahmad Abu Shammaleh		List PR	
32	Faysal Mohammad Ali Abu Shahla		List PR	
33	Issa Ahmad Abdel Hamid Qaraq'i		List PR	
34	Siham Adel Yousif Thabit	Female	List PR	
35	Nasir Jamil Mohammad Jom'a		List PR	
36	Alaa Addin Mohammad Abed Raboh Yaghi		List PR	
37	Abdel Rahim Mahmoud Abdel Rahim Borhom		List PR	
38	Jamal Abdel Hamid Mohammad al Haj		List PR	
39	Najat Ahmad Ali al- Astal	Female	List PR	
40	Jihad Mohammad Abdel Rahman Tamiya		List PR	
41	Jihad Awadallah Hamad Abu Znaid	Female	List PR	
42	Akram Mohammad Ali al-Haymoni		List PR	
43	Jamal Mostafa Issa Hwail		List PR	
44	Na'emah Mohammad Mohammad Issa al-Sheikh Ali	Female	List PR	
45	Abdel Hamid Jom'a Yousif al Aila		List PR	

List 3: Martyr Abu Ali Mustafa

No	Name	Female	Constituency / List	Christian quota
1	Ahmad Sa'dat Yousif Abdel Rasoul		List PR	
2	Jameel Mohammed Ismael al-Majdalawi		List PR	
3	Khalida Kanan Mohammad Jarrar	Female	List PR	

List 1: The Alternative (The Coalition of the Democratic Front, People's party, Fida and Independents)

No	Name	Female	Constituency / List	Christian quota
1	Qais Kamal Abdul Karim Khadir		List PR	
2	Bassam Ahmad Omar Salhi		List PR	

List 2: Independent Palestine (Mustafa Barghouthi and Independents)

No	Name	Female	Constituency / List	Christian quota
1	Mustafa Kamel Mustafa Barghouthi		List PR	
2	Rawya Rashad Saeed Shawa	Female	List PR	

List 8: The Third Way

No	Name	Female	Constituency / List	Christian quota
1	Salam Khaled Abdullah Fayyad		List PR	
2	Hanan Daoud Khalil Ashrawi	Female	List PR	

Independents

No	Name	Female	Constituency / List	Christian quota
2	Jamal Elkhoudary		13 Gaza	
3	Ziad Abu-Amr		13 Gaza	Christian
4	Husam Altaweel		13 Gaza	

Appendix 11

List of Councils Elected per Round and Governorate

In total 335 councils, 307 on the West Bank and 28 in Gaza

There may be inaccuracies in the list due to lack of official information available at the time for writing this report.

West Bank			Gaza
Round 1 Part 1			Round 1 Part 2
23 Dec 2004 – 26 municipalities			27 Jan 2005 – 10 municipalities
Jerusalem	Nablus	Jericho	Gaza
Beit Anan	Beit Fourik	Ojah	Zahra
Ezariyeh	Beita	Nweimah	
Abu-Dies		Jericho	Al-Wusta
	Qalqiya		Al-Zawaydah
Jenin	Azoon	Bethlehem	Masdar
Ya'bad		Ebediya	Maghazi
Arrabah	Salfeet	Douha	Dier Al-Balah
	Bedyia		
Tulkarem	Kifl Hares		Khan Younis
Bala'a	Kufr Il-Deek		Bani Sheila
Kafr Libbad			Khoza'a
	Ramallah and Al-Beereh		
Tubas	Eastern Bani Zeid (EBZ)		Rafah
Tubas	Western Bani Zeid		Shoukeh
	Silwad		Nasr-Buke
Hebron	Deir Dibwan		
Halhool			North Gaza
Al-Shyoukh			Beit Hanoun
Al-Zaheriya			
Round 2 Part 1			Round 2 Part 2
5 May 2005 – 76 municipalities			19 May 2005 – 8 municipalities
Jerusalem	Hebron	Salfeet	Al-Wusta
Al sawahre el sharkya	Bani Nain	Salfit	Al Breej
Anata	Taffuh	Deir Balot	Wadee Al Salkah
Al Ram	Tarqomya	Al Zawyah	
Bir Nabala	Ethna	Borqeen	Khan Younis
Katana	Kharas	Haris	Abasan Al Kabera
Bit Sorek	Biet Awla	Marda	Abasan Al Jadedah
Al Jeeb	Al Samoa'		
Mukmas	Sa'er	Nablus	Rafah

	Noba	Jamaen	Rafah
Jericho		Huwara	
Al Jiftlek	Bethlehem	Sabastya	North Gaza
	Bethlehem	Salm	Biet Lahya
Ramallah and Al-Beereh	Beit Jala	Tel	
Singl	Biet Sahur	beit Eba	Gaza
Al Tayba	Za'tara	Azmoot	Al Meghraka
Al Mazrah al sharkya	Taqu'		Wadee Gaza
Al Zytona	Janatah	Jenin	
Atarah	Dar Salah	Qabatya	
Dear Kadees	Nahhalin	Burqin	
Budrus	Hossan	Kufr Raai	
Al Mughyer	Ertas	Silat El Harthya	
Ramoon		Silat El thahir	
Kufr Malek	Tulkarem	Al Zababda	
Abu Falah	Al Sufa	Kufr Dan	
Kharbatha el Mesbah	Nazlet Easa	Al Jalmah	
Deir Abu Meshal	Far'oun		
	A'tteel	Tubas	
	Biet Leed	Aqaba	
	Anabta		
	Rameen	Qalqilya	
		Qalqilya	
		Jayous	
		Emateen	
		Snerya	
		Hajah	
		Jensafout	
Round 3			
29 September 2005 – 104 municipalities			
Jerusalem	Nablus	Ramallah and Al-Beereh	
Biddu	Asira Al-shamaliya	Beitoniya	
Al-Judeir	Aqraba	Turmus'ayya	
Al-Qubeiba	Qusin	BirZeit	
Beit Duqqu	Rujeib	Beit Leqya	
Beit Hanina	Burin	Al-Itehad (Deir Ammar- Betello-	
Jaba'	Jurish	Ni'lin	
Hizma	Al Lubban Al- Sharqiya	Deir Assudan	
Rafat	Zeita	Qarawat Bani Zeid	
Qalandya	Majdal Bani Fadil	Ein Yabrud	
Kafr Aqab	Zawata	Kobar	
Al-sheikh Sa'ad	Yasid	Jifna	
Al-Za'ayyem	Talluza	Abud	
	Al-sawyh	Rantis	
Tulkarem	Yatma	Kefr Ni'ma	
Zeita	Duma	Beit Ur Attahta	

Illar	Beit Hassan	Beitin	
Qaffin	Al-Nassariya	Qibya	
Deir El- Ghusun		Al Lubban Al-Gharbi	
Baqa Al- Sharqiya	Qalqiya	Shuqba	
Kafr Jammal	Hebla	Surda	
Kafr Sur	Kafr Thulth	Beit Sira	
Kafr Abbush	Kafr Qaddum	Alttira	
Ikktaba	Jit	Kafr Ein	
Seida	Baqet Al-Hatab	Abu Qash	
Al-Nazla Al-Aharqiya	Ras Atiya	Jiljiya	
Kafr Zibad	Azzun Al-Atma		
	AnNabi Elyas	Bethlehem	
Tubas	Beit Amin	Al-Khadr	
Tammun	Kafr Laqif	Beit Fajjar	
Tayasir		Battir	
	Salfeet	Wadi Fukin	
	Qarawat Bani Hassan	Al-walaja	
	Deir Istiya	Marah Rabah	
	Iskaka	Jourat Ash sham'a	
	Yasuf	Wadi Rahhal	
	Masha	Beit Ta'mir	
	Sarta	Hindaza Wa Bureid'a	
	Qira	Ash Shawawra	
	Farkha	Al- Rashayida	
	Rafat		
		Hebron	
		Beit Ommar	
		Surif	
		Beit Kahil	
		Al-Ramadin	
		Shuyukh Al-Arrub	
Round 4			
15 December 2005 – 40 municipalities			3 municipalities
Jenin	Tulkarem	Ramallah and Al-Beereh	North Gaza
Jenin	Saffarin	Ramallah	Um-El Naser
Al-Yamun		Al-Bierah	
Maythaloan	Tubas	Saffa	Khan Younes
Jab'a	Wad Al-Far'a	Dir Ebzei'	Al-Qarara
Sanoor	Tubas Bardala	Dir Jreer	Al-Fukhari
Al foundoqawmya	Tubas Ein Al-Beida	Burqa	
Al Jadedeh			
Seres	Nablus		
Al Kafreet	Nablus		
Ta'anak	Qabalan		
Zabobeh	Sarra		
Deir Abu Da'if	Qaryut		

Jalboon	Einabus		
Faqua'a	Bizzariya		
A'raneh	Deir Sharaf		
A'anen	Al Naqoura		
Fahmeh	Beit Imrin		
Beer Al Basha			
Rummana			
Al Tayba			
Iji			
Round 5			
Yet to be organised – 61 municipalities			4 municipalities
Jerusalem	Nablus	Jericho	North Gaza
Beit Eksa	Osarin	Az Zubeidat	Jabalya
Arab Al-Jahalin	Odala		
	Talfit	Hebron	Gaza
Jenin	Al- Badhan	Hebron	Gaza
Al-Araqa	Deir Al-Hatab	Dura	
Al-Maghayyir	Qusra	Beit Awa	Al-Wusta
Misliya	Urif	Deir Samit	Al-Nusayrat
Anza	Asira Al-Qibliya	Al-Kum, Hal- Mureq, Beit Maqdum	
Muthalath Al-Shuhada'	Madama	Hadab Al- Fawwar	Khan Younes
Dahiyat Sabah Al- Kheir	Awarta	Al- Majd	Khan Younes
Tura Al-Gharbiya	Froush Beit Dajan	Deir Al- Asal Al- Fauqa	
Barta'a	Beit Wazan	Amreish, Al-Abda, Al- alqatin	
Jalqamus	Beit Dajan	Deir Razih, Tarrama, Wadi Ash- Shajina	
Mirka	Kafr Qallil	Al- Burj	
Raba		Karma	
Al-Attara	Ramallah and Al-Beereh	Abu Al- Asja/ Abu Al-Ghezlan	
Umm At Tut	Abween	Assura	
Wadi Birqin	Kharbatha Bani Harith	Khursa	
	Ras Karkar	Yatta	
Tulkarem	Al-Janiyh	Beit Amra	
Tulkarm	Al-Midyh	Al- Heila	
	Ajjul	Khellet Al	
	Ein Arik	Al	
	Doura Alqare'		
	Bilin		

ISBN 978-828158035-0



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