



STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE PRE-ELECTION ASSESSMENT DELEGATION TO THE 2012 WEST BANK LOCAL ELECTIONS

Jerusalem, 5 October 2012

The National Democratic Institute (NDI) organized a pre-election assessment from September 29 to October 5 in advance of the October 20 local elections in the West Bank. The purposes of NDI's mission were to: demonstrate the interest of the international community in the development of stronger democratic political processes and governance in the Palestinian Territories; assess the prevailing political environment in the West Bank and preparations for the polls; and identify areas where improvements may be needed to guarantee the integrity of the process.

The delegation included: Jeffrey England, NDI senior advisor for the Middle East and North Africa (MENA); from Bulgaria, Daniel Mitov, a specialist in campaigns and political party development; Nathan Evans, NDI resident senior program manager for the West Bank and Gaza; and Lindsay Workman, NDI-MENA senior program manager. All aspects of the assessment were conducted in accordance with international standards as set forth in the Declaration of Principles for International Election Observation, which is endorsed by 36 intergovernmental and non-governmental organizations, including the United Nations Secretariat.

During the course of the assessment mission, members of the delegation met with a range of actors involved in the electoral process, including: officials from the Central Elections Commission (CEC); representatives and candidates of political parties; independent candidates and campaign managers; officials of the ministry of interior of the Palestinian Authority (PA); domestic election observers; leaders from civil society organizations; union representatives; journalists; academics; and representatives of the international community. The delegation visited the key population centers of Bethlehem, Hebron, Jenin, Jerusalem, Nablus, and Ramallah to assess electoral preparations and political dynamics in the West Bank.

NDI and the pre-election delegation appreciate the hospitality and frankness of all those who participated in the assessment and offer this statement in the spirit of international cooperation and with the hope of strengthening the development of democratic processes and institutions. In issuing this statement, NDI and the delegation seek neither to interfere in nor to render a final assessment of the election process; NDI recognizes that it is only the Palestinian people who can determine the credibility of their elections.

Summary of Observations

The Political Context

On October 20, Palestinians living in the West Bank will have the opportunity to elect new local councils in an election that has been postponed for several years. Of the 353 cities, towns, and villages participating in these elections, 94 will hold elections in which multiple candidate lists are competing. In 181 localities a single certified list will be awarded seats by acclamation. In an additional 78 localities no list was certified, either because none were submitted or because the list did not meet the legal requirements. According to the local elections law citizens in these localities will have the opportunity to submit lists and participate in a second round of elections scheduled for November 24.

Most Palestinians with whom the delegation met expressed a desire to participate in credible, competitive elections on a regular basis, and most expressed frustration at the recent history of postponed and canceled elections. Many viewed the October 20 polls as an opportunity to put a dormant democratic process back on track.

Despite their eagerness for a successful electoral process, people with whom the delegation met recognized the shortcomings associated with the elections: Hamas's decision not to allow the Central Elections Commission (CEC) to conduct its work in Gaza, resulting in the cancellation of elections there, and the absence of an agreement between the Palestinians and the Israeli government on the status of Jerusalemites limits the participation of Palestinians to those living in the West Bank. Further, Hamas's decision to boycott the elections in the West Bank reduces voters' options. Residents of less than one-third of localities – representing approximately 54 percent of eligible voters in the West Bank – will have the opportunity to cast a ballot.

The delegation heard many viewpoints on these issues from Palestinians. On the inability of Gazans to participate in the elections, people said they would prefer that elections be held in all areas, but because of their local nature did not believe the elections would deepen divisions in the Palestinian Territories or pose an additional obstacle to reconciliation between Fatah and Hamas.

The NDI delegation also heard many Palestinians describe an environment of uncertainty. Deteriorating economic conditions in the West Bank, a lack of progress in peace negotiations, speculation about the fate of the Palestinian Authority (PA), and concerns about the heavy-handedness of security forces remain preoccupations of the people. In such a context, the significance of local elections dimmed.

Notwithstanding the shortcomings of the elections, most Palestinians with whom the delegation met described the contest as an opportunity to reestablish elections as a routine component of the political process and to reinvigorate local government. They were proud of their history of sound elections, and the delegation

noted an earnestness among many stakeholders as they undertook preparations to capitalize on the opportunities this process presents.

Electoral Framework

Local elections in the Palestinian Territories are conducted using a proportional representation system with closed candidate lists. Each list's candidates are ordered based on candidate priority, but the names of the candidates will not appear on the ballot – only the names and symbols of each list will appear on the ballot. The number of candidates in a list cannot be less than the majority of local council seats in that list's locality. In discussions with the delegation, some candidates and observers said they would prefer to vote for individuals, rather than lists.

Each list that obtains eight percent or more of the valid votes is allocated a number of seats in proportion to the number of valid votes obtained, following the Sainte-Laguë method. The seats are allocated to the candidates according to the order of their names in the list. Many people, including electoral competitors, expressed confusion surrounding the electoral system, pointing specifically to the complicated mathematical formula used in the Sainte-Laguë method.

The elections law mandates a minimum level of participation of women on the local councils¹ and includes a quota for women on candidate lists.² Approximately 25 percent of candidates are women, and some lists are led by women. In Hebron municipality, a list composed entirely of women is competing.

The election law also outlines the list submittal, verification and appeals process, but the interpretation of the law generated some disagreement. Some political party leaders and citizen election observers expressed concern that the CEC interpreted the regulations for the appeals process too rigidly while certifying candidate lists. They argued that the CEC rendered a judgment on the validity of the list without first providing any feedback to list leaders or offering them a chance to correct any errors, leaving rejected lists with only one option; challenge the CEC's decision in court. The CEC stated that it was simply following the provisions of the law, that list leaders would have had more time to correct any errors had they submitted the necessary documentation earlier in the ten-day submittal period, and that the courts would render final decisions.

Several people expressed concern that challenges to CEC decisions regarding candidate lists were adjudicated in district courts, rather than in one centralized court. Because of this, different judges made contradictory rulings in similar cases.

¹ A council with 13 or less seats must include at least two women. A council with more than 13 seats must include at least three women. If a local unit contains less than 1,000 voters, that council is exempt from the quota requirements.

² For councils with 13 or less seats, candidate lists must include a woman among the first five names and a woman among names six through ten. For councils with more than 13 seats, a woman must also be included in the final five names on the list.

Many people with whom the delegation met expressed confusion surrounding the ongoing process of merging localities, and voiced concerns about its impact on the ability of citizens in smaller villages and towns to participate in the election process.

Technical Preparations

These are the first local elections being administered by the CEC, as previous local elections were administered by the Higher Commission for Local Elections. Most people with whom the delegation met expressed high confidence in the CEC's ability to administer the elections in an impartial and professional manner. Palestinians expect election day to go smoothly and to be conducted professionally and in accordance with the law. Many people display an impressive command of the electoral system, calendar, rules, and processes—a function of both the high degree of sophistication of Palestinian political actors and the CEC's efforts to maintain regular communication with competitors, observers, and other stakeholders.

Election and security officials expressed confidence that negotiations between Palestinian and Israeli officials will result in agreements for the movement of materials and personnel throughout the West Bank.

Citizen Engagement and Public Debate

Given the history of repeated cancellations and the skepticism among many that the October polls would even take place, many political activists will need to overcome a late start in their electoral preparations. Approximately 78 percent of eligible voters in the West Bank are registered to vote, though registration of new voters during the August voter registration period was lower than expected. The CEC has been conducting a modest voter education program, but other efforts to engage citizens in shaping public debate or connecting voters with candidates are limited. This is understandable: organizations and donors that would often implement and support such activities were hesitant to allocate scarce resources and time to a process many people believed would not happen. It is also, however, an indication of the damage that repeated cancellations and postponements can cause to future elections and, perhaps more importantly, to the public's confidence in government statements.

Public skepticism that the elections would occur has also generated apathy. In meetings with electoral stakeholders, the delegation heard that many voters have not been engaged in or enthusiastic about the process. Some suggested this could change with the start of the official campaign period on October 6. It was suggested that the lack of competition in many areas and Hamas's boycott could also depress voter engagement. While recent public opinion research suggests that turnout rates could reach 80 percent in some areas, most people estimated a much lower rate of participation, particularly when compared to previous elections.

Some Palestinians expressed a desire for all citizens to be provided the opportunity to cast a ballot, even in districts with only one certified list. Although this will not be

addressed in advance of the October 20 local elections, many people are eager for an inclusive debate on the issue.

Local Campaigns

Given the focus on services and local issues, the local elections present an opportunity for communities to discuss and debate issues of importance and to reinvigorate democratic governance. In meetings with NDI, candidates and list representatives emphasized local issues, regularly referring to the elections as “service elections” and thus less beholden to factional politics. Many lists are advertising themselves as groups of technocratic professionals rather than as partisan groupings, and include non-party affiliates who are prominent in their communities. List leaders described efforts to recruit diverse candidates to attract broad support, taking into account geography, skill sets, reputation, and family ties.

While NDI heard few specific policy proposals, electoral contestants – including party leaders and candidates – described a determination to keep the campaign focused on local issues. The delegation did not hear of plans for candidate debates or other forums through which citizens can compare policy proposals.

The relatively short 13-day campaign period is followed by a one-day silence period. Candidates and party representatives expressed some confusion about the definitions of acceptable activities before and during the campaign period. Some candidates also expressed concerns about equal access to media, an issue that could be exacerbated by the lack of campaign spending regulations.

Electoral Integrity

The majority of people with whom the delegation met expressed confidence in the electoral process. While questions about practices, such as the use of mobile phones in voting booths and abuse of provisions designed for illiterate voters, were raised, few anticipated wide-scale voter fraud, such as vote-buying or direct manipulation of ballots. Most believed that ballots would be counted properly and that the results would reflect the will of the voters.

Concerns were raised, however, about the potential chilling effect of security services. Several candidates and citizen observers described incidents of security forces exerting pressure on candidates to withdraw from lists or on voters to support a specific list and expressed a concern that such pressures may continue during the campaign period. In addition, some described potential consequences – such as loss of jobs or government scholarships – that could be levied months after election day. Most observers stated that they did not believe this to be a systematic or a top-down directive, but the result of individuals abusing their power and local rivalries. Government officials confirmed that directives had been sent to public and security employees to instruct them on the need for political neutrality and the proper use of public resources. Nevertheless, even the perception of interference by

security and government officials – whether confirmed or unconfirmed – can harm public confidence in the integrity of the process.

Several individuals also raised concerns about the use of mosques as venues for influencing voters, a practice in contravention of Palestinian law.

Recommendations

The delegation respectfully suggests that the following steps be considered to further enhance confidence in the October 20 polls, and in future elections:

- The delegation recommends that Palestinian civil society organizations, political parties, candidate lists, and the media increase their efforts to generate debate and discussion on local priorities during the campaign period. Parties should have realistic platforms that address citizen priorities. Candidate debates or other public forums could provide an opportunity for citizens to compare policy proposals.
- The Palestinian leadership should take all necessary steps to provide a peaceful environment conducive to the free expression of voters. Officials at all levels should ensure the neutrality of security forces and take steps to ensure that public resources, including government funds, vehicles, communications equipment, materials, and work hours of government employees, are not used for the benefit of individual candidates or lists.
- To ensure consistency in the application of the law, the delegation recommends that authorities consider assigning jurisdiction of the appeals process, including those related to the certification of candidate lists, to a centralized court.
- Following elections, the delegation recommends that authorities initiate an inclusive debate among stakeholders about the electoral system, including: the use of closed candidate lists and other elements of the proportional representation system, campaign financing, campaign rules, balloting for single-list districts, and the list certification process.
- Following elections, local councils should ensure that they play their proper role in responding to citizen interests and offering the public opportunities for direct engagement. Elections should be held on a regular schedule.

Contacts

For further information, please contact:

- In Jerusalem, Nathan Evans at +972 (0)54 555 7152.
- In Washington, DC, Lindsay Workman at +1-202-728-5500.