

Local elections in the Palestinian territories - report on the observation of the fourth phase by a Congress delegation (Polling Day 15 December 2005) - CG/BUR (12) 100

Head of Delegation: Christopher Newbury (United Kingdom, EPP/CD)

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I. INTRODUCTION

The Council of Europe has been actively engaged for many years in the peace process in the Middle East, through both its Parliamentary Assembly and its Congress of Local and Regional Authorities. Recent developments in the Palestinian Territories, including four phases of local elections and the legislative elections in the Territories this year, have highlighted the role that the Council of Europe and its constituent bodies can play in ensuring that their recommendations are followed. These were clearly relevant to the fourth phase of the local elections. Both the local elections of 15 December 2005 and the legislative elections which followed on 25 January 2006 demonstrated the democratic maturity of the authorities organising the polls – but also of the people participating in them, despite some groups still violating the electoral law which forbids campaigning on Election Day.

II. BACKGROUND

The municipal elections in the Palestinian Territories were previously organised in accordance with the 1996 electoral law (Law 5 of 1996), which provided for single-round "first-past-the-post" elections to the municipal councils. The number of seats on the councils depended (as now) on the number of names on the electoral roll, with large cities (Qalqilia, Bethlehem, Rafah, Beit Hanoun, and others) having fifteen-member councils, medium-sized towns (such as Beit Jala and Beit Sahour) having thirteen members, and smaller municipalities eight.

The mayor is elected by the full municipal council at its first meeting. Candidates must be aged at least twenty-five to stand for election to the council, and at least thirty to stand for the office of mayor. No particular qualifications are required of candidates, but the level of qualification can be supposed to play a role in candidate selection.

Law 5 of 1996 was amended by the Executive shortly before the 2004/05 elections, and the electoral law is now Law 5 of 2004, enacted on 1 December 2004. The main change was the introduction of a quota of places reserved for women on municipal councils. At least two women now have to be elected to each council, irrespective of its size. Further, a presidential decree issued in March 2005 lays down a religious quota for local authorities which are historically Christian or which have a Christian majority. In the May 2005 elections, those councils affected by this decree were Bethlehem (where eight of the fifteen councillors must be Christians), Beit Jala and Beit Sahour (seven of thirteen) and the village of Zababdeh, in the district of Nablus.

The local elections are a phased process spread over a year. The **first phase** took place in two stages:

A first ballot held on 23 December 2004, in twenty-six municipalities on the West Bank.
A second ballot held on 27 January 2005, in ten municipalities in the Gaza Strip.

The **second phase** took place on 5 May 2005, in a total of eighty-four municipalities (municipal, local and village councils): seventy-six on the West Bank and eight in the Gaza Strip. Over 400,000 people were entitled to vote for 906 elected councillors. A European delegation of seventy-five elected members took part in the observation mission, including a delegation from the Congress headed by Mr Jean-Claude Frécon (France, SOC).

Following the **second phase of elections**, the law was changed and the first-past-the post system replaced by a proportional system requiring parties to compete for seats, as opposed to individual candidates. The parties then formed various coalitions.

The **third phase** took place on 29 September 2005.

The **fourth phase** took place on 15 December 2005. The main parties standing at the elections were Fatah and Hamas; however, a large number of candidates were registered as independent.

III. OBSERVATION MISSION FOR THE FOURTH PHASE OF LOCAL ELECTIONS

The Congress of Local and Regional Authorities was invited by the Association of Palestinian Local Authorities (APLA), to observe the fourth phase of local elections in the Palestinian Territories. APLA had been given observer status at the Congress in November 2005.

The Congress delegation visited the Palestinian Territories from 12 to 19 December 2005. The delegation included:

Ömür AYBAR (Turkey, EPP/CD)
Joseph BORG (Malta, EPP/CD)

Luca CIRIANI (Italy, ILDG)
Britt FÄLDT (Sweden, SOC)
Wim van GELDER (Netherlands, EPP/CD)
Mehboob KHAN (United Kingdom, SOC)
Günther KRUG (Germany, SOC)
Britt-Mari LÖFGREN OLOVSSON (Sweden, ILDG)
Christopher NEWBURY (United Kingdom, EPP/CD)
Sean O'BRIEN (Ireland, SOC)
Lars MOLIN (Sweden, EPP/CD)
Tineke STRIK (Netherlands, SOC)

Congress Secretariat:

Oskar ALARCON (Spain)
Christine EBEL (France)
Dmitri MARCHENKOV (Russia)

At the first meeting of the delegation on 12 December 2005, Mr Christopher Newbury was elected Head of Delegation, and seven two-person observer teams were agreed for the observation of the elections: one to stay in Ramallah, one to go to Al-Bireh (initially meant for Jericho, a smaller municipality) one to Gaza, two to Nablus and two to Jenin.

A. Meeting with representatives of political parties

On 13 December, the delegation met representatives of the political parties contesting the elections – Fatah, Hamas, the Democratic Front for the Liberation of Palestine (DFLP), the Palestinian Front for the Liberation of Palestine (PFLP), and the Palestinian Democratic Union (PDU). Most of these parties had formed various blocks around the Palestinian Territories, sometimes making coalitions with the same parties, sometimes opposing the parties with which they were allied in other places. Some representatives complained to the delegation that the Palestinian Authority had given preference to “one party” (meaning Fatah), saying that it was using the PA headquarters and received preferential treatment in the media. Another issue was voting in prisons – on the one hand, that the law does not provide for prisoners to vote; on the other hand, a protest that the Israeli authorities would not allow people they considered to be political prisoners to vote. Another issue concerned the Israelis increasing the sentences for those in prison but running in the elections – it was stated that sentences had increased from six months to three years.

The Hamas representative protested against the “positive discrimination” clause requiring the presence of at least two women on municipal councils, saying that this creates a humiliating situation with regard to women, who should not be treated as a minority but who have an equal right with men to stand for election.

All representatives at this and later meetings raised concerns that the Israeli authorities would try to disrupt the elections by carrying out military incursions, closing down the check-points (thus blocking the movement of Palestinians) or creating delays in passing through check-points. Responding to these concerns, on 14 December, the President of the Congress, Mr Giovanni Di Stasi, issued an appeal to the Israeli authorities not to disrupt the local elections in the Palestinian Territories (see Appendix III).

B. Meeting with local election candidates

The delegation also met a number of election candidates for the Ramallah and Al-Bireh councils. They confirmed that the new system led them into forming various coalitions to win, but also to comply with the quotas for women and Christians. They complained that the voter list had been provided by the authorities at the very last moment, and there was confusion among electors as to where to vote, which was of great concern to the candidates. They also raised concerns about possible Israeli intervention affecting the elections.

However, all parties and candidates showed enthusiasm for the role of local elections, for the first time since 1967. The commitment of all the candidates and officials with whom the delegation met showed that the local elections were a major step forward for the democratic process in the Palestinian Territories, and a major achievement for the people of Palestine.

C. Meeting with Palestinian officials

The delegations also met Mr Khaled Qawasmi, Minister of Local Government, Mr Jamal Shobaki, Chairman of the Local Elections Commission (which subsumed the Higher Commission on Local Elections at the end of January, 2006) and Mr Ahmed Rabi, Director General of the Association of Palestinian Local Authorities (APLA).

Mr Qawasmi informed the delegation of the new electoral law which had replaced the previous ‘first-past-the-post’ system and which ensured that all ethnic groups and minorities would be better represented in local government, enhancing the role of local authorities.

Mr Rabi explained in detail the role of the Association of Palestinian Local Authorities, stressing that among five hundred local authorities in the Palestinian Territories 95 per cent of councillors are new to their position. The Executive Committee of APLA includes three members from the Gaza Strip and four from the West Bank, he said. The possibilities of co-operation with the Congress, and the trilateral cooperation between the Congress, APLA and ULAI (Union of Local Authorities in Israel, which also has an observer status with the Congress) were also discussed.

Subsequently, the Congress has been informed that Mr Majed Aburamadan, Mayor of Gaza, has been elected as President of APLA and Hassan Saleh, Mayor of Jericho, as his Deputy.

IV. OBSERVATION OF THE LOCAL ELECTIONS

On 15 December 2005, the Congress delegation's seven observation teams visited some one hundred and thirty polling stations in Ramallah, Al-Bireh, Nablus, Jenin and Gaza. All teams observed a marked improvement over the previous phase of local elections and all were pleased to note that the Palestinian authorities have followed the recommendations made by the Congress after the second phase, in particular about the breaking up of large polling centres into smaller units into between two and four voting stations, each with its own electoral committee.

The delegation was impressed by the commitment of all: the members of the electoral committees in their work and the electors in exercising their right to vote. At the same time, the delegation reported a number of shortcomings, in particular the following:

- Campaigning was observed in front of polling stations by supporters of various parties, in violation the existing law, and no action by the authorities was observed to discourage this.
- In many places there was poor access to polling stations for people with disabilities.
- There were continuing problems concerning the voting of illiterate voters. The law appears unclear on this matter, and its interpretation was in doubt. The electoral law provides for first or second degree relations of illiterate voters to accompany and help them, but there was confusion about which relations are in deemed to be included in those degrees. In addition, the law seemed not to help those with no relations, or those whose family was far away.

Some Congress observer teams (particularly in Gaza) saw young women coming to vote, saying they were illiterate, and being helped to vote by a male relation, but the observers doubted that they were really illiterate, and it was later confirmed that illiteracy is very rare in younger age-groups.

The Congress should therefore call on the Palestinian authorities to look carefully at these issues once again, in order to advance the democratic process further.

The delegation's preliminary findings were presented at a press conference on 16 December 2005 (see Appendix IV) in the Palestinian Media Centre at Ramallah, and coincided closely with the findings of twenty-four observers from the United Towns of France, whose representatives joined the delegation for the press conference.

V. ADDITIONAL COMMENTS

The local elections in the Palestinian Territories on 15 December 2005 were seen by all as a trial-run for the Palestinian Legislative Council elections to be held in January 2006. However, judging by the official results of the fourth phase of the local elections, and comparing them with the subsequent results of the elections for the PLC, it appears that there is more political diversity at the local level. This will come as no surprise, as democracy lives and thrives at the level closest to the citizen.

The Congress will wish to endorse the statement by the Parliamentary Assembly that the elections in January to the Palestinian Legislative Council show the level of democratic development of Palestinian society.

APPENDIX I

ELECTION OBSERVATION MISSION: LOCAL ELECTIONS IN PALESTINIAN TERRITORIES (15 December 2005)

PROGRAMME

Monday, 12 December 2005

Arrival of the Congress Delegation (Ben Gurion Airport - Tel Aviv)
19:00-20:00 Non official meeting with Mr. Bashar Al-Deek (COE/HCLE), Best Eastern Hotel, Ramallah
21:00 Ad hoc meeting with the Congress delegation

Tuesday, 13 December 2005

- 10:00 - 11:30 Meeting with Political Parties
 - Ms Khalida Jarrar and Mr Wafa Mar'i from Popular Front for the Liberation of Palestine (PFLP)
 - Mr Qays Abdulkarim from Democratic Front for the Liberation of Palestine (DFLP)
 - Mr Ziyad Dayyeh (Hamas)
- Representative from FATEH

12:00 - 13:30 Meeting with candidates, Ramallah Municipality
15:30 - 16:30 Meeting with the Association of Palestinian Local Authorities (APLA) and mayors, APLA Headquarters
17:00 - 18:00 Ad hoc meeting with drivers and interpreters
18:30 - 20:30 Dinner with Mr Jamal Shobaki (Chairman of Local Elections Commission) HCLE members and Mr Bashar Al-Deek (CEO), Darna Restaurant in Ramallah

Wednesday, 14 December 2005

10:00 - 10:45 Meeting with Dr Khaled Qawasmi (Minister of Local Government, Ministry of Local Government in Ramallah
11:30 - 13:00 Meetings with CoE Member States' Ambassadors in Jerusalem

15:30 1 Congress team will move from Jerusalem to **Gaza**
15:30 Departure from Jerusalem to Ramallah

18:00 4 Congress teams will move to **Nablus** joined by interpreters (Ramallah/Nablus)

Thursday, 15 December 2005 - ELECTION DAY

06:30 Departure from the hotel
07:00-19:00 Election day
19:00 - 21:30 All teams observing counting process
21:00 max. North teams depart to Ramallah
22:00 max. Ramallah teams depart to Best Eastern Hotel
23:00 De-briefing of the Congress delegation (Best Eastern Hotel)

Friday, 16 December 2005

08:00 Gaza team depart to Ramallah
10:00 - 11:30 De-briefing of the Congress delegation
13:30 - 14:30 Press Conference, at the Palestinian Media Center
15:30 - 16:30 Meeting with «Réseau de coopération décentralisé pour la Palestine » (RCTP), Jerusalem
19:30 Meeting with the French Consul, French Consulate (Jerusalem)

Saturday, 17 December 2005

09:00 - 10:45 Meeting with the National Democratic Institute (tbc)
11:00 - 12:00 Meeting with Dr Khaled Qawasmi (Minister of Local Government, at Ministry of Local Government in Ramallah)

*According to flights
Departure from Ramallah to the Airport (Ben Gurion Airport in Tel-Aviv)*

APPENDIX II

Council of Europe Congress to observe local elections in Palestinian Territories

Strasbourg, 09.12.2005 - A delegation of the Council of Europe Congress of Local and Regional Authorities will visit the Palestinian Territories from 12 to 18 December, to observe the 4th round of local elections on Thursday 15 December.

The delegation will meet with Prime Minister Ahmad Qurei, President of the Palestinian Legislative Council Rawhi Fattouh, Minister of Local Government Khaled Qawasmi, Chairman of the Higher Commission for Local Elections Jamal Shobaki, as well as representatives of political parties and election candidates. Meetings are also scheduled with representatives of the Association of Palestinian Local Authorities (APLA) and of the European Union, as well as with the ambassadors of several Council of Europe member states.

On Election Day, observer teams will visit polling stations in Ramallah, Nablus, Jenin, Jericho, and Gaza City, and will observe the counting process.

A press conference is scheduled for Friday 16 December at 1h30 pm at the Palestinian Media Center in Ramallah.

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The composition of the delegation:

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APPENDIX III

President calls on Israel authorities to contribute to creating appropriate conditions for Palestinian local elections

Strasbourg, 14.12.2005 - Giovanni Di Stasi, President of the Council of Europe Congress of Local and Regional Authorities, today launched an appeal to the Israeli authorities to help to ensure the smooth running of local elections in the Palestinian Territories, scheduled for Thursday 15 December.

"This 4th phase of elections of mayors and local councils is an important test before legislative elections in January 2006 and it is essential that they take place in a calm and organised manner" he said, President Di Stasi called on the Israeli authorities to ensure freedom of movement in the Territories, by not closing checkpoints or creating new ones and by not making the passages at checkpoints difficult. He also appealed to Israel to hold back military incursions not to disrupt the voting and to make sure that there is no military interference or intimidation of voters at the polling stations. Likewise, the President called on the Palestinian authorities to make sure that the Palestinian security forces do not interfere inside the polling stations or intimidate voters.

A Congress delegation is currently in the Palestinian Territories to observe the elections. On 15 December, its 7 teams will go to polling stations in Ramallah, Nablus, Jenin, Jericho and Gaza City, and will observe the counting of votes.

The delegation will present its preliminary findings at the press conference on Friday 16 December at 1.30 pm at the Palestinian Media Centre in Ramallah.

APPENDIX IV

Palestinian local elections: marked improvement over previous rounds but major challenges remain, say Congress observers

Ramallah, 16.12.2005 - "We have seen an impressive improvement in the organisation of the voting process during the fourth phase of local elections in the Palestinian Territories, compared to previous phases", said Christopher Newbury, Head of the Council of Europe Congress Election Observation Mission, following the elections.

"We are pleased that the Palestinian authorities have acted upon our recommendations", he said, pointing out that two voter lists – based on the voter registration list and on the civil register – were replaced by only one electoral list, and that the question of overcrowding of polling stations has been efficiently addressed by breaking up large polling centres into smaller units.

However, the delegation observed active campaigning on the election day near polling stations in almost all municipalities, disruptive in some cases, which constitutes a clear violation of the law. Another area of concern was the provision for voting by illiterate electors as there are different interpretations of the law concerning who can accompany such people, and the procedure for doing so needs clarification. Access for people with disabilities to polling stations also required improvement. In a minority of cases, further training for polling station staff was needed.

The delegation acknowledged the calm and orderly manner in which voting took place inside polling centres, and regretted that a number of these centres could not open on time for lack of voting materials, reportedly due to delays at Israeli checkpoints in some cases, or for other reasons.

"Inside the polling stations, the Congress observed a free and fair election. Outside them, further improvements remain to be made," said Mr Newbury.

The delegation from the Congress of Local and Regional Authorities of the Council of Europe observed this fourth phase of local elections in the Palestinian Territories on 15 December 2005 at the invitation of the Palestinian National Authority. The observer teams visited 130 polling stations in Ramallah, Al-Bireh, Nablus, Jenin and Gaza. The delegation will present a detailed report early in 2006.