



EUROPEAN UNION
ELECTION OBSERVATION MISSION
WEST BANK & GAZA 2006

STATEMENT OF PRELIMINARY CONCLUSIONS AND FINDINGS

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

Jerusalem, 26 January 2006

The European Union Election Observation Mission (EU EOM) has been present in the West Bank and Gaza since 13 December 2005 following an invitation from the Central Election Commission (CEC) of Palestine. The Mission is led by Chief Observer Ms. Véronique De Keyser from Belgium, Member of the European Parliament. In total, the EU EOM deployed over 185 observers from 23 EU Member States as well as Norway, Switzerland and Romania. The observers were deployed throughout the West Bank and Gaza to assess the whole electoral process in the light of international principles for genuine democratic elections. The EU EOM was joined by a 27-member delegation from the European Parliament, the largest elected parliamentary observer delegation, led by Mr Edward McMillan-Scott MEP of the United Kingdom, who endorse this Statement. On election day, the observers visited over 800 polling stations in 14 of the 16 electoral districts in West Bank and Gaza to observe voting and counting. The EU EOM is currently observing the conclusion of the counting and result tabulation procedures and will remain in country to observe all aspects of the post-election process.

Preliminary Conclusions

- **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 pre-campaign 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 freedom 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 and the high proportion of assisted voting.
- All electoral preparations by the CEC were finalised in good time, with the exception of delays caused by external factors beyond its control such as the voting arrangements over East Jerusalem. However, the transparency of the CEC decision-making processes needs to be further increased.
- Useful steps to improve the reliability of the voter register have been taken since the 2005 presidential election. The absence of Israeli permission to allow a register of voters in East Jerusalem was a serious obstacle to the process.
- The legal framework provided an effective basis for the conduct of democratic elections but lacks an appropriate enforcement mechanism and, while an innovative voluntary Code of Conduct for candidates enjoyed cross-party support, there were limited means to ensure compliance with campaign regulations or punish violations of the law.
- Candidates benefited from equal access to free airtime provided by public broadcasters in accordance with CEC regulations. In contrast, the news coverage by Palestinian TV was imbalanced in favour of Fatah while some private broadcasters offered unequal fees to candidates for paid advertising.
- Civil society organisations played an important role in these elections, especially in relation to election observation, the delivery of voter education and the development and oversight of the Code of Conduct for campaigning.
- Over 22 per cent of the candidates on national lists were women, a positive reflection of the new legal requirement to include a proportion of women candidates; however, only 15 women (3.6 per cent) took part as candidates in the district election, where there was no quota.
- These elections were also held under an occupation that, by its nature, cannot support the sustainable development of a democratic state. However, the Israeli authorities did take measures to facilitate the electoral process.
- These elections were notable for the participation of candidates linked to extremist or radical groups that have advocated violence as a means to solving the problems in the Middle East. It is hoped that this participation is an indication of the movement of such groups towards engaging in a truly democratic process, which would be in fundamental contradiction with violent activity.

The final assessment of these elections will depend, in part, on the completion of counting and tabulation, the announcement of results by the CEC, and the complaints and appeals process. The EU EOM will remain in country to observe all aspects of the post-election process and will publish a final report, containing detailed recommendations to improve the election process, within two months of the completion of the entire process.

Preliminary Findings

Background

These second elections for the PLC were widely seen as a crucial step towards Palestinian institution building foreseen in the Road Map for a permanent solution to the Palestinian-Israeli conflict. The elections follow the January 2005 election of the President of the PA and a series of municipal elections that have been held since December 2004. Elections for the PLC, which last took place in January 1996, were initially envisaged to be held in 2000, but have been delayed a number of times. The fact that these elections have taken place is an important milestone in ensuring the new PLC will have greater credibility and a renewed popular mandate.

During this election process, many political events, some external to the election process, created uncertainty as to whether or not the election would go ahead. In particular, divisions within the Fatah ruling political party, coupled with pressures against the CEC and intransigence over the highly significant issue of voting in East Jerusalem created real possibilities that the elections would again be postponed. Commendably, repeated public commitments from key actors, significantly President Abbas, that the elections must be held as scheduled led to negotiated settlement of most problematic issues.

More widely, the general level of instability and inter-factional violence, particularly in Gaza, raised concerns as to whether conditions would permit the holding of democratic elections. Significantly, steps were taken by a number of actors, including militia groups, to ensure that the security situation improved over the campaign period which created a much calmer environment in the immediate run-up to election day. Threats against international observers, including those from the EU EOM, were made during the campaign period. All international observer groups, the CEC and some militia groups strongly condemned the threats that, to a degree, restricted the level by which observation could take place in certain areas.

Legal Framework

A new election law, adopted in June 2005, provided a basis for the conduct of democratic elections. The law introduced a mixed electoral system whereby an increased number of seats are contested under separate proportional and majoritarian contests. In a positive development, the law has strengthened voter registration procedures, including a prohibition on the use of the civil register for electoral purposes, and established a requirement for a minimum proportion of women as candidates on national lists. However, the law also contains a number of shortcomings that should be addressed ahead of future elections. Significantly, the CEC lacks any enforcement powers or sanctions where the law is violated. In practice, this meant that the CEC used informal channels to address complaints it received, regardless of the seriousness of the allegation. Moreover, there are no effective or transparent procedures for the handling of complaints and the CEC is under no requirement to publish details of the complaints it receives. The legal framework also lacks detailed regulation of campaign financing and criteria for political party registration. There should be a review of whether absentee voting should be allowed for those unable to vote in their designated polling station on election day.

Election Administration

The CEC and its Secretariat acted in an independent, professional and technically proficient manner that ensured all election arrangements within its control were organised in good time ahead of election day. The CEC showed a strong commitment to running the election to schedule and, in particular, achieved notable success in providing training of its 18,700 staff, re-organising its district and polling management structures and in running

an effective and inclusive voter education programme in association with a number of civil society actors. Moreover, the CEC showed itself to be capable of efficiently implementing arrangements for voting in East Jerusalem and for security forces that were agreed to at late notice.

Public confidence and trust in the independence of the CEC is deservedly high but its integrity and authority were challenged by direct attempts to influence its decision-making when its offices in several locations were taken over by armed groups during the candidate registration process and in the early stages of the campaign. Such acts of violence, intimidation or pressure against the CEC and its staff are unacceptable within a democratic election and yet, regrettably, the perpetrators of these acts – many of whom have links to Fatah – have gone unpunished, reflecting a wider culture of impunity amongst members of militia groups in Palestine in their use of threats and violence.

Separately, unwarranted political interference in the work of the CEC came from the Ministry of Interior which sought to change the arrangements for early voting by over 58,000 security forces so that voting would take place in barracks rather in the locations where they were registered to vote, as according to the law. Ensuring opportunities for voting by security forces had been a problematic issue in previous elections and the solution reached, whereby votes were cast in special polling centres in each district over 21-23 January, was an effective arrangement.

There was an open process for the nomination and registration of individual district candidates and candidates on national lists. A total of 728 candidates were included in the final lists of candidates and, in contrast to the 1996 PLC elections, provided voters with a real choice from across the Palestinian political spectrum. 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.

The EU EOM is aware that a number of complaints have been made to the CEC during the campaign period. The absence of a formal, transparent mechanism for handling complaints and acting against violations of the law has meant that, in most cases, no discernible action has been taken to enforce the law, although in two relatively minor cases, complaints have been passed to the Prosecutor's Office for consideration. The most serious complaint related to a letter from the Chief of Civil Police of the West Bank, sent to all district police chiefs, instructed police to vote in favour of the ruling party. This complaint was addressed only through an informal discussion between the CEC and the Office of the PA President.

Voter Registration

A total of 1,332,499 voters were registered for this election, an impressive 21 per cent increase on the number of voters registered for the January 2005 presidential election that reflected the effective steps taken by the CEC to improve the accuracy of the voter register. Regrettably, public access to the final register of voters was restricted and it was not published by the CEC until polling day, although it was made available on request to candidates. It is unfortunate that, for security reasons, the voter register for the security forces was not made available at any stage thus preventing any independent cross-checking of the persons for double registration. The registration of an estimated 123,000 voters in East Jerusalem was not permitted by the Israeli authorities.

Campaign

The campaign period was generally calm and saw a stabilisation in the general security situation that enabled active campaigning to take place. Overall, the campaign was notable for its positive tone and there were no reports of provocative rhetoric or hate speech. In comparison to the 1996 and 2005 elections, there was a notable drop in reports of the use of state resources by candidates in campaign. Despite many large rallies, there was no major incident related to the campaign, although two activists were killed in events that may have been election-related. There are several complaints that campaigning occurred inside mosques. An innovative and

useful Code of Conduct for campaigning was developed by civil society and, although voluntary, was supported by all eleven national lists.

However, the campaign was marked by restrictions on the exercise of fundamental freedoms that are related to elections caused by the continued occupation of Palestinian Territories. In particular, restrictions on the freedom of movement prevented many candidates from being able to undertake a national campaign even when they attempted to seek travel permits. The freedoms of assembly and association of Palestinian candidates and activists were also challenged in East Jerusalem, where arbitrary restrictions on campaigning imposed by Israeli authorities led to a number of arrests. There were several reports also of arrests of campaign activists by the Israeli Defence Forces in the West Bank. In contrast and despite the levels of instability, there were few reports of similar restrictions or other problems with campaigning in Gaza except for the difficulties in travel between the West Bank and Gaza.

Media Environment

A broad and flourishing range of media outlets operate in the West Bank and Gaza. Television is the most important source of political information. In addition to local stations, the main Pan-Arabic Networks are widely viewed. While the first week of the campaign received relatively limited coverage, reflecting its low-key nature, extensive coverage of the election was provided during the two weeks prior to election day.

The official electronic media (Palestine TV and Voice of Palestine radio) provided electoral lists and candidates with extensive free airtime in accordance with the Election Law. Palestine TV, in agreement with the CEC, broadcast an hour-long talk show for each national list, campaign spots for national lists (up to 10 minutes) and district candidates (up to two minutes), plus a final three hour debate with representatives of the whole 11 lists. No reports of complaints on the allocation of free airtime were received. All of these programmes provided voters with a genuine opportunity to compare platforms and candidates.

Palestine TV offered only modest election coverage in its news and current affair programmes. A bias in favour of the ruling party Fatah (59 per cent of the coverage) was noted. Voice of Palestine allotted 56 per cent of its news and current affair coverage to Fatah and 31 per cent to Change and Reform. However, the airtime devoted to Change and Reform was often negative in tone.

Many lists and prominent candidates purchased space on private media. Problems with the rates, which were not announced in advance and were not equal for all candidates, undermined the principle of equal treatment for all contestants. The private TV station Watan TV favoured the Independent Palestine list, providing it with 60% of its political news and current affair coverage. The private radio station, Amwaj, devoted most of its coverage to independent candidates (58 per cent), Fatah (17 per cent) and Alternative (15 per cent). On the eve of the elections, the Minister of Interior shut down Al-Aqsa TV, a Gaza based private TV station affiliated to Change and Reform, on the basis that it was broadcasting without a license.

The print media offered space to all lists, presenting various articles on political parties and candidates. The state funded newspaper Al-Haya al-Jadeeda favoured the ruling party.

Participation of Women

Women made up 47 per cent of registered voters, a slight increase from the 2005 presidential election. In a positive development, the election law was amended to introduce a quota for women on the national party lists. Each list had to have a woman candidate in positions 3, 7 and 12 on the list (or higher), and then one in every five positions that followed. This resulted in 22 per cent of candidates on the national lists being women. However, for the district elections, where there was no quota, only 15 of the 414 candidates were women.

The CEC produced few civic education materials that specifically targeted women. However, a number of NGOs carried out civic and voter education that was specifically targeted at women. In Palestinian society,

many women are involved in politics and in political parties. However, not many leadership positions are held by women. Few of the women district candidates managed to stand as official party candidates, so ran as independents, which is likely to make it difficult for them to be elected. The media coverage of women candidates saw a slight under-representation in terms of time. In part this reflects the parties' decisions on which candidates they put forward to the media. In the polling stations that were observed, women made up over one third of polling station staff.

Civil Society

Civil society is vibrant and active, and this was reflected in its participation in election observation. According to the CEC, a total of 254 domestic organisations were accredited to observe the elections, which in turn accredited over 17,000 national observers. In addition to election observation, civil society organisations also played a leading role in civic and voter education, in cooperation with the CEC and media outlets. Specific attention was paid to areas where literacy and political awareness was low. Civil society organisations also organised candidate training programmes, as well as developing and monitoring a Code of Conduct for the campaign.

Voting in East Jerusalem

The right to vote by Palestinians resident in East Jerusalem is established by the 1995 Oslo agreement and the precedents of the 1996 and 2005 elections. Initially, the Israeli authorities refused to allow voting to take place inside East Jerusalem to demonstrate their condemnation of the participation of candidates linked to extremist groups. As such a policy might otherwise have caused the elections to be postponed, the EU EOM welcomed the 15 January decision of Israel to allow for limited voting as a decisive step towards ending the uncertainty over the election, even though it came at a late stage in the electoral process.

The voting arrangements that were permitted – whereby only around five per cent of Palestinians resident in East Jerusalem are able to cast their votes in the city at six specific postal offices while the majority must cross into the West Bank to vote – fail to provide reasonable, equal or proper conditions. In particular, the procedures at the post offices again failed to provide secrecy of the ballot, and were administered by Israeli postal workers rather than trained CEC staff. The inadequacy of the locations also caused long queues and slow voting procedures that led to a two-hour extension of voting. EU EOM observers rated the voting conditions in all six East Jerusalem post offices as 'bad' or 'very bad' and noted that those voters who crossed into the West Bank were hampered by checkpoints and roadblocks even though steps had been taken by the Israeli authorities to provide greater flow of movement.

Polling

The Election Day proceeded smoothly and peacefully, with an impressive turnout of almost 77 per cent of the total number of registered voters. There was an even higher turnout in Gaza of 81 per cent. The vast majority of polling stations opened on time, all electoral materials having been delivered the day prior to the elections. EU EOM observers evaluated the voting process as 'good' or 'very good' in over 95% of the polling stations they visited and the secrecy of the vote was respected in almost all polling stations observed except in East Jerusalem. Polling staff were well trained and followed the established procedures closely. As in 2005, there was a high proportion of voters who sought assistance to help them vote. Representatives from different candidates and lists were present in over 98 per cent of polling stations observed. Domestic observers were present in over 60 per cent.

Observers reported widespread and vigorous campaigning by candidates at many polling stations, although it was not reported as being antagonistic or intimidating. However, the presence of campaign activists distributing election materials in and around polling centres was unlawful and steps should have been taken to prevent it from occurring. EU EOM observers did not report intimidation of electoral staff. Provision of security around polling centres by the Palestinian security forces was adequate and unimposing. EU EOM Observers also

reported that the close of voting and the counting of votes also proceeded well, with 93 per cent of polling stations visited being rated as 'very good'. However, over 10 per cent of polling stations visited did not immediately display the election results as required by law.

Early voting by security forces between 21 to 23 January was marked by an extremely high level of turnout of 92 per cent. A surprising number of security personnel requested assistance to help with their voting on the grounds of illiteracy or disability, raising concerns of possible undue pressure on the voter and a lack of secrecy of the ballot. This led to the CEC temporarily suspending the right to assisted voting by members of the security forces to counteract the potential for abuse. Sensitive materials from the early voting were secured satisfactorily.

Remarks by the EU EOM Chief Observer and the Head of the European Parliament Delegation at the press conference on 26 January 2006:

The Palestinian Legislative Council elections have so far marked another important milestone in the building of democratic institutions. This is the conclusion of the 185-strong European Union Election Observation Mission (EU EOM) and the 27-strong European Parliament delegation. Yesterday, voters came out in impressive numbers to cast their ballot in a peaceful and enthusiastic manner.

"The Palestinian leadership took the risk of going ahead with these elections despite widespread opposition in order to give priority to democracy" said Véronique de Keyser MEP, Chief Observer of the EU EOM. She added: "The people of Palestine responded to this opportunity with great enthusiasm and dignity by coming out in large numbers to cast their ballot in a peaceful manner. I hope that the winners and losers of these elections will accept the results with the same political maturity that their supporters showed on election day."

"The conduct of these elections has provided a model for the wider Arab region and has clearly demonstrated the commitment of the Palestinian people to democracy," said Edward McMillan-Scott MEP, Vice-President of the European Parliament and Chairman of the EP delegation, which endorsed the preliminary findings and conclusions of the EU EOM and will report to Parliament in due course. "The parliamentary dimension of the EU's neighbourhood has thus been further strengthened, which is also important for the Euro-Mediterranean Parliamentary Assembly in which members of the Palestinian Legislative Council and the Knesset uniquely participate together."

The EU EOM wishes to express its appreciation to the CEC and other Palestinian bodies as well as to authorities of the Government of Israel, for their cooperation and assistance during the course of the observation. The EU EOM is also grateful to the European Commission Technical and Assistance Office for West Bank and Gaza and to the International Organisation for Migration for their operational support throughout.

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